# TUESDAY, 27 NOVEMBER 2001

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

## ASSENT TO BILLS

GOVERNMENT HOUSE
QUEENSLAND

13 November 2001

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

Dear Mr Speaker

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on 8 November 2001:

"A Bill for an Act to provide for the establishment and operation of a Crime and Misconduct Commission, and a Parliamentary Crime and Misconduct Committee, and for other purposes"

"A Bill for an Act to amend the Freedom of Information Act 1992".

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

Yours sincerely

(sgd) Peter Arnison

Governor

GOVERNMENT HOUSE
QUEENSLAND

16 November 2001

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

Dear Mr Speaker

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

"A Bill for an Act to amend the Water Act 2000, and for other purposes"—13 November 2001

"A Bill for an Act to amend the Corrective Services Act 2000"—13 November 2001

"A Bill for an Act about the administration and enforcement of revenue laws"—13 November 2001

"A Bill for an Act about creating and imposing duties"—13 November 2001

"A Bill for an Act to establish an office of ombudsman for investigating administrative actions taken by, in or for certain agencies, and recommending to agencies ways of improving administrative processes, and for other purposes"—13 November 2001

"A Bill for an Act to amend the Ambulance Service Act 1991 and the Fire and Rescue Authority Act 1990, and for other purposes"—13 November 2001

"A Bill for an Act to amend Acts administered by the Minister for Health"—15 November 2001

"A Bill for an Act to amend the Prostitution Act 1999, and for other purposes"—15 November 2001.

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

Yours sincerely

(sgd) Peter Arnison

Governor

## OMBUDSMAN

### Annual Report

**Mr SPEAKER:** Honourable members, I have to report that today I received the annual report of the Queensland Ombudsman for 2000-2001. I table the said report.

## PETITION

**Discipline of Children; Sentences and Penalties**

**Mrs Christine Scott** from 521 petitioners, requesting the House to (a) allow parents to discipline their children without fear of assault charges, (b) ensure first offenders are punished and not cautioned, (c) hold magistrates accountable for the sentences they administer, and (d) ensure offenders given community service orders are made to complete them in a minimum time.

## PAPERS

PAPERS TABLED DURING THE RECESS

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

12 November 2001—

Department of Health—Annual Report 2000-2001

Royal Children's Hospital Foundation—Annual Report 2000-2001

Bureau of Sugar Experiment Stations—Annual Report 2000-2001

Chicken Meat Industry Committee—Annual Report 2000-2001

Grain Research Foundation—Annual Report 2000-2001

Queensland Abattoir Corporation—Annual Report 2000-2001

Queensland Dairy Authority—Annual Report 2000-2001

Safe Food Production Queensland—Annual Report 2000-2001

Sugar Authority—Annual Report 2000-2001

Sugar Industry Commissioner—Annual Report 2000-2001

Department of Families—Annual Report 2000-2001

Department of Aboriginal and Torres Strait Islander Policy—Annual Report 2000-2001

Disability Services Queensland—Annual Report 2000-2001

Island Coordinating Council—Annual Report 2000-2001

Department of Emergency Services (incorporating Queensland Ambulance Service and Queensland Fire and Rescue Authority)—Annual Report 2000-2001

Queensland Board of Senior Secondary School Studies—Annual Report 2000-2001

Queensland School Curriculum Council—Annual Report 2000-2001

Department of Natural Resources and Mines—Annual Report 2000-2001

Darling Downs-Moreton Rabbit Board—Annual Report 2000-2001

Gladstone Area Water Board—Annual Report and Environment Report 2000-2001

Surveyors Board of Queensland—Annual Report 2000-2001

Valuers Registration Board of Queensland—Annual Report 2000-2001

Report on the operations of the Land Tribunal established under the Aboriginal Land Act 1991—Annual Report 2000-2001

13 November 2001—

Department of Justice and Attorney-General—Annual Report 2000-2001

Children Services Tribunal—Annual Report 2000-2001

Legal Ombudsman—Annual Report 2000-2001

Brisbane Market Corporation—Annual Report 2000-2001

Brisbane Market Corporation—Statement of Corporate Intent 2000-2001

CS Energy Ltd—Annual Report 2000-2001

CS Energy Ltd—Statement of Corporate Intent 2000-2001

Energex Limited—Annual Report 2000-2001

Energex Limited—Statement of Corporate Intent 2000-2001

Energex Retail Pty Ltd—Annual Report 2000-2001

Enertrade—Annual Report 2000-2001

Enertrade—Statement of Corporate Intent 2000-2001

Ergon Energy Corporation Limited—Annual Report 2000-2001

Ergon Energy Corporation Limited—Statement of Corporate Intent 2000-2001

Ergon Energy Pty Ltd and Controlled Entities—Annual Report 2000-2001

Golden Casket Lottery Corporation Limited—Annual Report 2000-2001

Golden Casket Lottery Corporation Limited—Statement of Corporate Intent 2000-2001

Powerlink Queensland—Annual Report 2000-2001

Powerlink Queensland—Statement of Corporate Intent 2000-2001

Queensland Treasury Department—Annual Report and Financial Statements 2000-2001

Stanwell Corporation Limited—Annual Report 2000-2001

Stanwell Corporation Limited—Statement of Corporate Intent 2000-2001

Tarong Energy—Annual Report 2000-2001

Tarong Energy—Statement of Corporate Intent 2000-2001

Queensland Police Service—Annual Report 2000-2001

Queensland Police Service—Annual Statistical Review 2000-2001

Department of Corrective Services—Annual Report 2000-2001

Prostitution Licensing Authority—Annual Report 2000-2001

Prostitution Advisory Council—Annual Report 2000-2001

Controlled Operations Committee pursuant to Section 172A(1) of the Police Powers and Responsibilities Act 2000—Annual Report 2000-2001

Department of State Development—Annual Report 2000-2001

Department of Employment and Training—Annual Report 2000-2001

Arts Queensland—Annual Report 2000-2001

Library Board of Queensland—Annual Report 2000-2001

Queensland Art Gallery—Annual Report 2000-2001

Queensland Museum—Annual Report 2000-2001

Queensland Performing Arts Trust—Annual Report 2000-2001

Australian College of Tropical Agriculture—Annual Report 2000-2001

Dalby Agricultural College Board—Annual Report 2000-2001

Emerald Agricultural College Board—Annual Report 2000-2001

Longreach Pastoral College Board—Annual Report 2000-2001

Anti-Discrimination Commission Queensland—Annual Report 2000-2001

Queensland Rural Adjustment Authority—Annual Report 2000-2001

Queensland Tertiary Education Foundation—Annual Report 2000-2001

14 November 2001—

Department of Innovation and Information Economy, Sport and Recreation Queensland—Annual Report 2000-2001

Lang Park Trust—Annual Report for the period 1 January 2000 to 30 June 2001

Statement to the Legislative Assembly by the Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) in relation to the annual report of the Lang Park Trust for the period 1 January 2000 to 30 June 2001

South Bank Corporation—Annual Report 2000-2001

Queensland Gaming Commission—Annual Report 2000-2001

Department of Housing—Annual Report 2000-2001

Building Services Authority—Annual Report 2000-2001

Residential Tenancies Authority—Annual Report 2000-2001

Aboriginal Coordinating Council—Annual Report 2000-2001

Department of Primary Industries—Annual Report and Financial Statements 2000-2001

Queensland Sugar Corporation—Annual Report 2000-2001

Greyhound Racing Authority—Annual Report 2000-2001

Queensland Harness Racing Board—Annual Report 2000-2001

Queensland Principal Club—Annual Report 2000-2001

Trustees of the Albion Park Paceway—Annual Report and Financial Statements 2000-2001

26 November 2001—

Errata to the Department of Corrective Services Annual Report 2000-2001 tabled on 13 November 2001

STATUTORY INSTRUMENTS

The following statutory instruments, received during the recess, were tabled by The Clerk—

State Penalties Enforcement Act 1999—

State Penalties Enforcement Amendment Regulation (No. 2) 2001, No. 202

Coroners Act 1958—

Coroners Amendment Rule (No. 1) 2001, No. 203

Plant Protection Act 1989—

Plant Protection (Red-banded Mango Caterpillar) Quarantine Notice 2001, No. 204

Health Act 1937—

Health (Drugs and Poisons) Amendment Regulation (No. 1) 2001, No. 205

Primary Industries Legislation Amendment Act 2001—

Proclamation commencing certain provisions, No. 206

Chicken Meat Industry Committee Act 1976—

Chicken Meat Industry Committee Regulation 2001, No. 207

Fisheries Act 1994—

Fisheries Amendment Regulation (No. 3) 2001, No. 208

Fisheries Act 1994—

Fisheries (East Coast Trawl) Amendment Management Plan (No. 2) 2001, No. 209

Associations Incorporation Act 1981, Bills of Sale and Other Instruments Act 1955, Business Names Act 1962, Collections Act 1966, Cooperatives Act 1997, Funeral Benefit Business Act 1982, Hawkers Act 1984, Invasion of Privacy Act 1971, Land Sales Act 1984, Liens on Crops of Sugar Cane Act 1931, Motor Vehicles Securities Act 1986, Partnership (Limited Liability) Act 1988, Pawnbrokers Act 1984, Retirement Villages Act 1999, Second-hand Dealers and Collectors Act 1984, Security Providers Act 1993, Trade Measurement Administration Act 1990, Travel Agents Act 1988—

Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2001, No. 210

Education (Accreditation of Non-State Schools) Act 2001, Education (General Provisions) Act 1989, Education (Overseas Students) Act 1996, Education (Senior Secondary School Studies) Act 1988, Environmental Protection Act 1994, Health Act 1937, Transport Operations (Passenger Transport) Act 1994—

Education (Accreditation of Non-State Schools) Regulation 2001, No. 211

Physiotherapists Act 1964—

Physiotherapists Amendment Regulation (No. 1) 2001, No. 212

Private Health Facilities Act 1999—

Private Health Facilities Amendment Regulation (No. 1) 2001, No. 213

Speech Pathologists Act 1979—

Speech Pathologists Amendment By-law (No. 2) 2001, No. 214

Nature Conservation Act 1992—

Nature Conservation Legislation Amendment Regulation (No. 1) 2001, No. 215

Plant Protection Act 1989—

Plant Protection Amendment Regulation (No. 4) 2001, No. 216

Local Government (Aboriginal Lands) Act 1978—

Local Government (Aboriginal Lands) Regulation 2001, No. 217

Ambulance Service Act 1991—

Ambulance Service Amendment Regulation (No. 3) 2001, No. 218

Workplace Health and Safety Act 1995—

Workplace Health and Safety Amendment Regulation (No. 3) 2001, No. 219

Private Health Facilities Act 1999—

Private Health Facilities (Standards) Amendment Notice (No. 1) 2001, No. 220

Crime and Misconduct Act 2001—

Proclamation commencing certain provisions, No. 221

Freedom of Information Amendment Act 2001—

Proclamation commencing remaining provisions, No. 222

Freedom of Information Act 1992—

Freedom of Information Amendment Regulation (No. 1) 2001, No. 223

MINISTERIAL RESPONSES TO PETITIONS

The following responses to petitions, received during the recess, were tabled by The Clerk—

Response from the Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) to a petition presented by Dr Kingston from 1,418 petitioners, regarding the construction of a skate facility in Maryborough—

22 Nov 2001

Mr R Doyle
Clerk of the Parliament
Parliament House
Central Document Exchange M29

Dear Mr Doyle

I refer to your letter of 1 November 2001 advising of the lodgement of petition No 1370 with the Legislative Assembly of Queensland on 31 October 2001. The petition sought matching funding for $50,000 budgeted by Maryborough City Council for a skate facility in Maryborough.

This matter has been considered and a copy of my response to the principal petitioner, Dr John Kingston MP, Member for Maryborough is attached for your information.

Yours sincerely

(sgd) T Mackenroth

TERRY MACKENROTH

2 Nov 2001

Dr J Kingston MP
Member for Maryborough
PO Box 1022
MARYBOROUGH QLD 4650

Dear Dr Kingston

I refer to Petition No 1370 lodged in the Legislative Assembly of Queensland on 31 October 2001, requesting $50,000 be provided to the Maryborough City Council for construction of a skate park in Maryborough.

As you are aware, Maryborough City Council applied unsuccessfully for funding for this project under the Sport and Recreation Minor Facilities Program (SRMFP) 2001. As I have previously advised funding requests for SRMFP 2001 far exceeded the total budget for the Program of $5 million. As a result, many projects were not approved for funding.

At this time, there are no other programs open for application and administered by my Department that would allow me to approve funding for this project. Therefore, I am unable to grant the petitioners' request on this occasion.

However, staff from the Maryborough office of Sport and Recreation Queensland (SRQ) are working with Council to resolve the deficiencies in the Council's original application, and are addressing planning issues for the skate park including identifying a suitable site, reviewing the draft plans submitted with Council's application and recommending Council undertake a competitive formal tender process to obtain the best value for the project.

I am informed the Maryborough Branch of the Queensland Blue Light Association Inc is seeking alternative sources of funding for the project and are preparing an application under the Jupiters Casino Community Benefit Fund for financial assistance towards the project. I recommend the petitioners give their support to this application, now that planning issues related to the project are being addressed.

If any further information is required please do not hesitate to contact my office.

Yours sincerely

(signed)

TERRY MACKENROTH

Response from the Minister for Environment (Mr Wells) to a petition presented by Mr Lester from 1,133 petitioners, regarding road closures on Fraser Island—

21 Nov 2001

Mr R Doyle
The Clerk of the Parliament
Legislative Assembly of Queensland

Dear Mr Doyle

I refer to your letter of 19 October 2001 forwarding a copy of a petition tabled in the Parliament on 17 October 2001 regarding the road closures on Fraser Island.

The management of the World Heritage listed Fraser Island is a difficult balancing of competing interests and users. The primary function of the Queensland Parks and Wildlife Service in managing an area such as this is to preserve as much as possible the natural values that led to the area being listed on the World Heritage Register while allowing reasonable access for visitors to enjoy.

Part of that is determining the management regime that should be in place and that is why the former Labor Government of Wayne Goss initiated the inquiry into the Great Sandy Region's management requirements undertaken by Tony Fitzgerald in the early 1990's.

Extensive community consultation and submissions led to a comprehensive Management Plan being approved by Cabinet in 1994. This has been progressively implemented since that time as resources have become available.

The closures recently announced by me are part of those recommendations.

I trust this information is helpful.

(sgd) Dean Wells

DEAN WELLS

Minister for Environment

## MINISTERIAL STATEMENT

### Trade Mission

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.33 a.m.), by leave: I want to report on a trade mission that I undertook to China, Korea and Japan between 10 November and 18 November. I led a very successful trade mission to China, Korea and Japan. In Queensland, one job in every five is export related. Indeed, across the state it is one in every four in the regions. So it is essential for the state government to do everything in its power to increase our exports.

I will table a detailed report on the mission, but I draw attention to several major points. I told Beijing Party Secretary Mr Jia Qing Lin, the official in charge of the 2008 Olympic Games, that about 200 Queensland companies had the expertise and experience to deliver goods and services for the Beijing Olympics, having won contracts for the Sydney games. The trade mission also had very positive meetings with the Governor of Jiang Su Province and the Mayor of Shanghai, with whom I signed a new memorandum of understanding to increase trade opportunities. I also led the Commerce Queensland trade mission to Shanghai. Chief Executive Officer Andrew Craig has written to me to say that the feedback from that mission is very positive.

In Korea I signed an aide-memoire with LG Chem, which commits us to working together to make the development of a major chemical plant in Gladstone a reality. Japanese giant Itochu is actively investigating new partnerships and investments in Queensland biotechnology and other industries. I launched a new web site in Saitama, which gives more than 80 Queensland companies a shop window in Japan. I urge all businesses thinking of exporting to China, Korea or Japan to read this report, which I will post on my web site. I table the two reports, along with a box full of associated documents, which were part of my report to parliament.

## MINISTERIAL STATEMENT

### Cape York Justice Study

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.35 a.m.), by leave: The overall test of good government is not made on what government does in the good times and with the easy issues. This government will be judged on how it handles the troubling, difficult issues. At the top of that list is the crisis on the cape. Retired Justice Tony Fitzgerald last week best described the situation as sad. His landmark Fitzgerald interim report on Cape York justice contains a wide-ranging list of recommendations to help indigenous communities develop and implement action plans to improve their lifestyles.

As we begin the new century, children in Queensland have unlimited potential. It matters not whether they are born in Ascot or Augathella, Kenmore or Kingaroy, Bundaberg or Boondall. It is, however, not the same if you are born black in Aurukun, Kowanyama or Bamaga. That is not fair. That is wrong. That is something that we must change. That is why my government asked Justice Fitzgerald to do this Cape York Justice Study, the results of which I table. There are three reports, volumes 1, 2 and 3. Volume 1 is a summary, conclusion and recommendations. Volume 2 is the situation in the Cape York indigenous community. Volume 3 is appendices and attachments. My government and I wanted a warts and all analysis, which is what we got. The solution to the issues identified will not come easily and will take years to achieve. The path to find that solution has been best defined by indigenous leader Gerhardt Pearson, who said last week on ABC Radio that we need to confront the issue and we need a partnership to find the solution.

This 50th parliament has the chance to actually do something. No more bandaids. No more patches. No more cute subsidies. From today, I am asking Judy Spence, the Minister for Aboriginal and Torres Strait Islander Policy, to head to the cape after question time to begin the three months of community consultation suggested by Justice Fitzgerald. Because this issue is of such importance, it is essential that we begin the three months of consultation recommended by Tony Fitzgerald immediately. As I have indicated in the past, I am happy to take questions on the minister's portfolio on Wednesday and Thursday. This indicates our serious commitment to the report. This sits well with Justice Fitzgerald's strong recommendation that the communities should discuss and consider the report and provide responses by February 2002. It will be done.

Retired Justice Fitzgerald is a much-respected Queenslander. His Fitzgerald report of July 1989 was a landmark in identifying police corruption and wicked political ineptness. That report set a path for a changed Queensland in a political sense. Now, in a significant document—in many senses perhaps just as important—he has begun a process to offer those kids in Aurukun, Kowanyama, Bamaga and all of the gulf communities a future. As I said, it will not come overnight. It will not happen tomorrow. However, it must come and the process has begun. Tony Fitzgerald has lit the lamp. We must fuel it and we must let everyone see it. There will be no more heads in the sand.

Last August, my government asked Justice Fitzgerald to conduct a study that would go further than yet again describing the problems facing indigenous communities on Cape York. The government asked him how we could make smarter use of existing state resources which would support the continuing development of partnerships between the state government and Cape York indigenous communities. I congratulate him, as my government does, and thank Justice

Fitzgerald for the report, for the four months hard work he undertook, and for the insights which went into the report.

The solutions we seek will not be found in this place or in the airconditioned offices of this city. It is wrong that a child is raped. It is wrong that a woman is repeatedly bashed. It is wrong that life expectancy is decreasing. It is wrong that the dispossessions of the past are now overtaken by an even more wicked, sinister dispossession of a future. The solution to this will come only from commitment—commitment from all in this 50th Parliament claiming their elected right to share in joining with the peoples of Cape York, and all the people of this state, to work together in gathering the necessary resources to ensure that history is not repeated. I appeal to everyone in this chamber to put politics aside and to put the children first. It is that simple. I am talking of a commitment to hard work and a commitment to removing the causes of these ills.

The next three months will be vital as we begin building a new future for those living in Cape York. Our predecessors have failed. We must not. I call on all members to join with me and the government in the commitment needed to fighting for people who deserve better.

## MINISTERIAL STATEMENT

### Australian Magnesium Corporation

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.), by leave: Central Queensland is already celebrating the festive season. On Thursday, AMC announced that it will start its $1.3 billion light metals project in February. The $1.3 billion means jobs, hundreds and hundreds of jobs; indeed, thousands of jobs. In February, the first of thousands of new jobs are due to be created with the start of site works for the $1.3 billion Stanwell magnesium project. Last Thursday's decision by the Australian Magnesium Corporation board to proceed formally with the development of the plant marks the birth of a new industry for the state. As the local member and minister knows, some said it could not be done.

AMC's commitment to proceed with a plant capable of producing more than 90,000 tonnes of magnesium alloys a year underscores Queensland's growing status as a light metals hub of the Asia-Pacific. My government took the lead in working to get this vital project over the line, and I am thrilled to see it succeed. The state government provided additional support in this capital raising, including a commercial facility which helped AMC to provide up-front distribution payments, making the offer more attractive to investors seeking immediate returns. This support, together with the additional support provided by the Commonwealth government and Normandy, has been the catalyst for the success of this latest capital raising. The support, which will be repaid at commercial interest rates, was in addition to the state government's commitment to a $50 million contribution to common user infrastructure for Stanwell Industrial Park and, previously, a $5 million allocation towards initial research into the magnesium metal manufacturing process.

The use of magnesium metal in the world economy is growing, particularly in the automotive industry. AMC's formal go-ahead comes after the company successfully raised more than $500 million through a public offering and Ford Motor Company's decision to cement its relationship with AMC with a 10-year take-or-pay magnesium supply agreement.

I say thank you to those people who have invested. They, too, are entitled to share our optimism that this will be a success. Thank you also to the people of Rockhampton and the Fitzroy shire. The company says that site works will start in February, with the first metal expected to be produced in late 2004. This announcement sits well with Comalco's confirmation of its $1.54 billion first stage of its alumina refinery in Gladstone and further confirms Queensland's growing reputation as a major competitor in the global market for industrial investment.

These two projects combined will provide thousands of jobs both in a direct and indirect sense. AMC has estimated that its project will result in up to 1,350 construction jobs with 350 operational jobs when the plant is fully commissioned. The company has estimated that 90 per cent of the economic benefits of the plant will accrue in the central Queensland region. In the case of Comalco and the Gladstone project, the company has estimated that it will create up to 1,500 new jobs during construction and more than 400 in the operation of stage 1. Mr Speaker, in a nutshell, that is jobs, jobs, jobs, jobs and jobs.

In the last month, this government had delivered almost $3 billion of new investment to central Queensland. The benefits of that investment will transform that region and many materials and service suppliers across the state. There has never been greater optimism for the central Queensland economy. If you take the drive north of Rockhampton and look across the wide, flat

plains north of Yaamba to the mountains of Shoalwater Bay, you can now contemplate the future of Queensland that lies there. The vast deposits of magnesium only metres under the topsoil of Kunawarra create the feedstock for a new light metals industry that will make central Queensland one of the major industrial centres of the Asia-Pacific rim. Light metals will be one of the industries of the 21st century, and central Queensland will be one of the nation's major growth centres this century. With Comalco, AMC, LG Chemical, Pechiney, Aldoga Aluminium, Tata Ferrochrome and Astral Calcining all seriously either investing or seriously considering investing in central Queensland, we have truly become a major competitor in the global market for industrial investment.

As I said in plain terms, that means three things—jobs, jobs and jobs. In fact, 'absolutely fantastic' is probably no understatement when referring to this dynamic region's future. It is no surprise that the coal boom of the late 1960s and 1970s saw a massive boost for central Queensland—and it is happening again. Macarthur Coal Limited has announced it is set to exploit another growth segment of the international coal market with the acquisition of the advanced monothermal project. Stage 1 involves a feasibility study for the development of a mine with a capacity of 500,000 to one million tonnes a year. Production at Monto could start as early 2002-03. Stage 2 is based on a longer term plan to extend the mine to 10 million tonnes a year. Comalco has multibillion-dollar plans for Gladstone, with the $1.5 billion Comalco alumina refinery being the first stage of a $4 billion project.

The Aldoga group plans construction of a $3 billion aluminium refinery. The $1.3 billion Stanwell magnesium refinery will also be under construction early next year, and at 11.45 this morning, together with Tom Barton, the Minister for State Development, I will witness the first of many AMC contracts, this one creating work for 60 engineers in Brisbane. Today, Egis Queensland has been awarded the first major contract for the engineering of services, utilities and facilities for the Stanwell magnesium project located in Rockhampton. It is appropriate that it will be signed this morning at Parliament House. The contract represents a significant milestone in the course of this major project, with project mobilisation beginning now. The $1.3 billion Stanwell magnesium plant will be the world's largest magnesium processing plant. As I indicated, site works will start in February and the first metal will be produced in October 2004. The Egis team will consist of more than 60 engineering personnel. It will be responsible for the design of over $50 million worth of utilities and general facilities as well as providing general engineering services. In recent years Egis has worked to ensure the successful development of many large projects throughout Australia, such as the Sun Metals zinc refinery in Townsville.

Two weeks ago, while in Korea, I met with representatives of Korea's leading chemical company, LG Chem, and we agreed to work together to make the development of a chemical plant of up to $500 million a reality for Gladstone. The Minister for State Development, Tom Barton, had a number of meetings with them prior to my visit to Korea. I met with LG Chemical's senior executive vice-president, Mr C.H. Yoo, and we signed an aide-memoire at that Seoul meeting.

The beauty of what is developing now in central Queensland are that these are all smart jobs. These are us using our technology to enhance our resources, to make jobs and export dollars right here in Queensland. Gladstone, with its magnificent harbour and port infrastructure, is so well placed as much of the industry will be focused on world export markets. In a world in which abundant and competitively priced energy is becoming extremely difficult to come by, central Queensland is supplied by major power generators at Gladstone, Stanwell and Callide. There are also growing reserves of coal seam methane, some of which will be used by Comalco for calcination. Add to all of this central Queensland's excellent education and training facilities. So just as coal and its export has been so pivotal in our past, light metals is set to join in making an exciting future. The biotech and biosciences efforts in other parts and focused planning efforts in events in tourism and our support for the rural industries means this state, especially central Queensland, is to have an exciting, job-creating future.

## MINISTERIAL STATEMENT

### Mr K. Shine, MP

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.46 a.m.), by leave: I am pleased to report to the House that the member for Toowoomba North, Kerry Shine, continues to make good progress. I thank all for their prayers, thoughts and support for our parliamentary colleague. Mr Shine had a quadruple bypass on Monday, 12 November, at St

Andrew's War Memorial Hospital in Brisbane. He is recovering well and has already begun some light work, including Sunday's opening of the State Rose Garden in Toowoomba. Kerry was back in Brisbane last week for a check-up and is doing well. The member for Logan, John Mickel, has been to Toowoomba twice since the operation and he has been shadowing the electorate as well as looking after the good people of Logan. I want to thank John Mickel for his effort.

Mr Speaker, I seek to incorporate the rest of my ministerial statement in *Hansard.* It is important for the record.

Leave granted.

John made an interesting comment on ABC in Toowoomba when there on November 15.

He said Toowoomba is a smart city in the smart state and it had much to show other centres in Queensland.

He is right.

For example the University of Southern Queensland is a world leader in distance education and its links with Wagners Concrete in the exciting area of fibre composite development are indeed something very special.

As members would be well aware Toowoomba's Russell Mineral Equipment was a winner of last month's Premier's Export Excellence Awards and from my own visit there earlier this month I know first-hand just what an exciting business John Russell and his team really have.

Add to that the likes of other Toowoomba Smart State companies—Buchanan Aviation, Aerotec (which I'm told John also visited at Toowoomba Airport), Home Ice Cream, Weis, Pacific Seeds, Grainco Philip Brady Grains, Mount Tyson Seeds. They all have a magnificent job-creating export focus.

Even Toowoomba Mayor Councillor Di Thorley shares the Smart State export passion. She and Toowoomba City Council's Councillor Jim Parke joined me in Seoul last week as part of our Asian Trade tour.

Toowoomba and the Downs truly is an exciting part of the State. It has long held a cherished reputation as a rural producer and the State's floral hub—but now that is being built upon with its growing Smart State export focus.

I'm delighted to report that given his continued good health Mr Shine should be ready to return to work proper after the New Year to continue the fine job he is doing.

I'm sure all would again join with me in wishing him a speedy recovery.

**Mr BEATTIE:** Mr Speaker, I am going to pass around a get well card which I hope everybody will sign. Kerry Shine is a great member and I know that everyone has their thoughts with him at this moment.

## MINISTERIAL STATEMENT

### Mr J. Dale; Jinibara State School, Narangba

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Minister for Education) (9.48 a.m.), by leave: Last month I informed members of an unfortunate incident involving the Deputy Principal of Jinibara State School at Narangba. It was with deep regret and sadness that I informed members that Mr John Dale, a teacher of 26 years and the school's deputy principal for the past five years, had passed away. My department is continuing to provide a high level of support to all those who require it through this difficult period. As part of that support, members of the school community have expressed the need to understand how and why this tragic event occurred. In this respect, Education Queensland has now completed its review of this incident and I table the report of that investigation for the information of members.

I would like to assure members of my personal and public commitment to ensuring a speedy response to recommendations arising from this report. All nine recommendations will be accepted. The report represents a thorough examination of the events that occurred at Jinibara State School on 25 October and makes nine recommendations, particularly in relation to Education Queensland's future response to issues of a critical nature.

Education Queensland is a large decentralised organisation with almost half a million students and 40,000 teachers in its schools. It is regrettable that traumatic incidents such as this do occur from time to time. I am firm in my resolve to learn from these terrible events, and where the capacity exists to improve the department's practices and services in schools, it will be done as a matter of priority.

Among the report's nine recommendations is the recommendation for a more centralised collection of data and improving the transfer process for students between schools. I have already asked the department to provide me with a range of options by early next year on how best to collect this data in light of this recommendation. The report recommends commending the school staff on their speedy, coordinated and professional approach to the handling of this issue, particularly the quick administering of first aid.

I would like to place on the public record my commendation and the government's commendation of those dedicated staff members who rendered every assistance they could under the most trying and difficult circumstances. The report also recommends increasing the number of school-based staff given first aid training so that as many personnel in schools as possible are well prepared and well trained to deal with a medical emergency. For anyone interested in the details of the report, it is now on the public record.

## MINISTERIAL STATEMENT

### Plane Crash, Toowoomba

**Hon. W. M. EDMOND** (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (9.50 a.m.), by leave: It is with enormous sadness that I inform the House that there has been a tragic small plane crash this morning with all on board believed dead. It is believed that the passengers were Queensland Health staff. I am sure that all present in this House will join me in extending our sincere sympathy to their families. I will keep the House informed as further information comes to hand. I thank the Leader of the Opposition for his cooperation in dealing with this issue.

## MINISTERIAL STATEMENT

### Industrial Future of Queensland

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for State Development) (9.51 a.m.), by leave: The last few weeks have been momentous for the industrial future of our great state. In late October Comalco confirmed that it was proceeding with its $1.54 billion first stage of its alumina refinery in Gladstone and last week the Australian Magnesium Corporation gave the go-ahead for its $1.3 billion magnesium metals plant for Stanwell in Central Queensland. These two projects will have significant impacts not only on the economic fabric of the state but will also provide substantial job opportunities in the state's regions.

As we have already heard from the Premier, there are a number of projects in various stages of progression. However, the impact of the Comalco and AMC projects will substantially add to the state's economic foundation for decades to come.

As members of the House would be aware, the Beattie government has played a major role in both projects, proceeding with funding for common user infrastructure. In both cases the federal government has also played a role in these projects proceeding.

For the Beattie government, the go-ahead of these two billion dollar-plus projects underscores this government's deliberate strategy towards value adding of the state's natural resources. In Comalco's case, the company has estimated that the project will provide 1,500 jobs during construction and more than 400 when the alumina refinery is operational. AMC has estimated 1,350 construction jobs with 350 operational jobs when the plant is fully commissioned.

Apart from these direct jobs, many other indirect jobs will be created. It is pleasing to note that both companies are looking to largely use Queensland and Australian content in building their respective plants. In fact, Comalco recently held two forums in Gladstone for potential suppliers and the company estimated that some 300 people attended the functions. Comalco earlier this year decided to switch from importing modular components for the plant to a construction plan using up to 80 per cent local content.

AMC will today announce that it has awarded the first major contract for the engineering of services, utilities and facilities for the Stanwell project located near Rockhampton to Brisbane based Egis Queensland. The company has informed my office that the successful applicant will be responsible for the design of more than $50 million of utilities and general facilities as well as providing general engineering services to AMC's project management team.

The letting of contracts will quickly filter through the state's workforce and mark the next step in these two exciting projects, progressing from go-ahead to a reality.

## MINISTERIAL STATEMENT

### Local Street Speed Limit

**Hon. S. D. BREDHAUER** (Cook—ALP) (Minister for Transport and Minister for Main Roads) (9.53 a.m.), by leave: Speeding is a major contributing cause of road crashes on Queensland

roads. Prior to 1999, an average of 50 persons per year died on Queensland's roads as the result of speed-related crashes. This represented 15 per cent of the road toll. The social costs to the community have been valued at approximately $180 million a year. Add to that the emotional trauma suffered by victims, their families and friends. About one third of all crashes resulting in injury occur on local streets.

On 1 March 1999 a 50 kilometres per hour local street speed limit in built-up areas was introduced in 11 local government areas within south-east Queensland. Evaluation results show that, since the local street speed limit was introduced, there has been an 18 per cent reduction in fatal crashes on local streets when compared to the previous five year average for local streets. There has also been an eight per cent reduction in all crashes when compared to the previous five year average for local streets. This corresponds to the prevention of at least 26 fatalities and an estimated saving to the community of over $26 million in social costs.

Queensland Transport officers have been involved in extensive consultation with all major stakeholders, including local councils, over the last two years on the expansion of the local street speed limit to the rest of Queensland. Their consultation has revealed that 67 per cent of local governments support the expansion of this initiative. 60 per cent of people in regional Queensland also support the introduction of the 50 kilometres per hour local street speed limit. It is also worth noting that community support for the 50 kilometres per hour local street speed limit increased after the initiative was introduced in south-east Queensland.

State cabinet has decided that the 50 kilometres per hour local street speed limit will be introduced in built-up areas of regional Queensland from 1 February 2003. The 50 kilometres per hour limit will only apply to local streets, that is, streets that are used for direct property access only and for limited neighbourhood movement of traffic. These are the streets where people live, where children play, where residents walk their dogs and where parents and carers walk their children to and from school. Roads that carry significant amounts of traffic through the neighbourhood will have speed limits of 60 kilometres per hour or higher.

Reducing the speed limit to 50 kilometres per hour on local streets will have little effect, if any, on overall travel times. Individual local streets will generally not have 50 kilometres per hour speed limit signs. However, motorists may see some streets where there are 50 kilometres per hour signs, such as at the end of school zones. Signs will be erected on Queensland's borders to inform motorists that in Queensland a 50 kilometres per hour local street speed limit applies in built-up areas unless otherwise signed.

After the introduction of the 50 kilometres per hour local street speed limit from 1 February 2003 there will be a three month conditional amnesty period. This amnesty will apply only to streets covered under the unsigned 50 kilometres per hour speed limit and only in regional Queensland. However, police will still act against motorists who are travelling at an excessive speed or in a dangerous manner.

Queensland Transport, the Queensland Police Service, the Department of Main Roads and local councils will be working together to deliver an extensive public education campaign to the Queensland community about the 50 kilometres per hour local street speed limit. The public education campaign will include statewide television, radio and print advertising, with a focus on regional Queensland. The implementation of the 50 kilometres per hour local street speed limit will involve a joint effort from Queensland Transport, the Queensland Police Service, the Department of Main Roads, local governments, key stakeholder groups such as RACQ and members of the public.

I encourage all stakeholders to embrace this initiative in an effort to further reduce the state's road toll.

## MINISTERIAL STATEMENT

### Legal Aid Queensland

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (9.58 a.m.), by leave: I am pleased to inform the House of practical action being taken by Legal Aid Queensland to improve access to justice for remote communities in Cape York and the gulf. Our government believes it is essential that people living in these communities have access to the type of Legal Aid services available in other parts of Queensland. An extensive survey by Legal Aid detailed in its recently released *Northern outreach* report, which I launched last week, has

shown that many people in these communities currently have nowhere to go to discuss their legal problems.

Access to legal services is limited and many issues not only go unresolved but often escalate into more serious matters. To respond to this need, Legal Aid lawyers will be visiting remote Cape York and gulf indigenous communities three or four times a year. This is part of an overall strategy that has already seen the establishment of an indigenous legal telephone hotline providing legal information, advice and referral services; the employment of indigenous community liaison officers in Cairns, Townsville and Rockhampton to work with councils and community organisations; and the employment of two additional criminal compensation lawyers in Cairns and Townsville.

Legal Aid's *Northern outreach* report details the findings of a comprehensive legal needs survey of remote indigenous communities in Cape York and the gulf. At least 18 indigenous communities were surveyed, mostly in remote regions where the wet season cuts road access for about five months of the year. The survey found that people living in these communities, particularly women, who are often the victims of violent crime, would gain enormous benefit from better access to legal advice. There were many examples of exploitation—that is, cars, boats and goods such as vacuum cleaners being sold at exorbitant prices or without contract conditions being explained. For example, many women in Kowanyama reported being ripped off by a travelling vacuum cleaner salesman who sold the cleaners on hire purchase for $3,000 each.

By providing community legal education and increasing awareness of people's legal rights, we can stop this happening. Regular visits by Legal Aid lawyers will not only provide practical assistance but will also break down barriers and make mainstream justice less intimidating for these indigenous communities. With tribal councils and elders involved in the process, we expect it will have a very positive impact on communities and reduce many violations of people's rights.

## MINISTERIAL STATEMENT

### Dingoes, Fraser Island

**Hon. D. M. WELLS** (Murrumba—ALP) (Minister for Environment) (10.01 a.m.), by leave: In the period since 30 April, when a young boy was fatally attacked by dingoes on Fraser Island, there have been a range of actions taken addressing the risks associated with human and dingo interaction. These actions will complement those measures that were already in place prior to the tragic events of 30 April aimed at managing the dingo population of the island.

In June I reported on the outcome of state cabinet's consideration of a risk assessment study which the government directed be carried out following the fatal attack. Together with the Premier, I announced that people feeding Fraser Island dingoes would face fines of up to $3,000. This was among nine major recommendations contained in the report of the risk assessment study, which was endorsed by state cabinet. I tabled the report in parliament and also released it publicly. The measures resulting from the risk assessment have now been incorporated in the Fraser Island Dingo Management Strategy. I did not wish to sign off on this strategy until those risk assessment measures could be incorporated in it, and I table it now for the benefit of honourable members.

The Premier and I visited Fraser Island last week and inspected progress on some of the many initiatives included in the dingo management strategy that are already under way. The strategy being progressively implemented on the island includes fencing certain areas, the installation of food lockers to deter dingoes and the employment of extra rangers on the island. This has resulted in a drop in the risk status of all sites where the risk levels were initially rated above low. The government is committed to doing everything it can to minimise the risk on Fraser Island and to educate the public about being 'dingo smart'. Today I wish to outline some of the measures that have been taken.

Following the tragedy in April, Queensland Parks and Wildlife Service rangers culled 32 dingoes that were habituated to human contact or were aggressive towards humans. Those dingoes had lost their natural fear of humans because they had been fed by people. The government is determined to stamp out this practice. The new measures approved by cabinet in June focus squarely on educating people against feeding dingoes and punishing those who persist. On-the-spot fines for feeding, which used to stand at $50 and $75, have now been increased to $225. Maximum penalties for feeding offences, which are dealt with by way of complaint and summons through court action, will double from $1,500 to $3,000. Field staff on

Fraser Island have been instructed to direct people caught deliberately feeding dingoes to leave the island.

In addition to these measures related to the feeding of dingoes, there have been a range of other actions concerning the management of dingoes on Fraser Island in the period since 30 April. These have included the state government allocating an extra $1.75 million in 2001-02 towards management of the island, with $1 million earmarked for dingo management and $750,000 to employ additional rangers. There has also been the creation of the position of Senior Conservation Officer at Maryborough. This position will coordinate the implementation of dingo management strategies. An officer has been undertaking these functions while formal recruitment proceeds. Since the September school holidays, eight additional staff have been appointed to Fraser Island as camping ground rangers. These rangers supervise camping grounds and ensure that people are being dingo smart. Also, the location of signs warning of dingoes and of the need to be dingo smart have been reviewed. Additional signs have been purchased and are being progressively erected.

The Queensland Parks and Wildlife Service has also upgraded lighting in toilets and near bins in previously high-risk areas and installed barbecue covers and is building washing-up and fish-cleaning facilities at several sites. Food lockers have been provided and are a success at several popular locations, and more are planned. These measures are aimed at eliminating the association in the behaviour of dingoes between humans and easily accessible food scraps. The Queensland Parks and Wildlife Service has also implemented a zero tolerance program for enforcement of all offences and heightened patrols and public contact actions. A company has been engaged to undertake an assessment of visitor impacts on the island. I believe that the actions I have outlined today, together with those that previously were in place and others that will occur with the implementation of the Fraser Island Dingo Management Strategy, will ensure that a comprehensive approach is taken to the risks and dangers associated with the interaction of humans and dingoes on Fraser Island.

## MINISTERIAL STATEMENT

### Sports and Cultural Festival; Cape York Justice Study

**Hon. J. C. SPENCE** (Mount Gravatt—ALP) (Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services) (10.06 a.m.), by leave: On Saturday, I attended the eighth annual Sports and Cultural Festival, which is now recognised as the largest indigenous organised sporting and cultural event in Australia. Over two days about 10,000 people from Queensland, New South Wales and Victoria joined in the festivities at Whites Hill. They played touch football, sang, danced, made new friends and renewed old acquaintances—all in an alcohol-free zone. Some 85 of the 90 teams were indigenous and travelled from as far afield as Yarrabah and Shepparton in Victoria. Having attended almost every one of these festivals, I continue to be impressed by the family atmosphere, sporting excellence, cultural inclusion and culinary delights on offer. Robbie Williams of First Contact started—and continues to manage—this festival. He deserves our congratulations for organising an event that consistently celebrates the successes of indigenous people.

As the Premier has already stated, I will be leaving for Cape York Peninsula this afternoon to discuss an issue of critical importance to indigenous Queenslanders—the Cape York Justice Study. Later today I will visit Kowanyama to join a consultation team of government and non-government people. Yesterday this team started a three-month consultation circuit in Pormpuraaw, and this morning it is opening discussions with the Kowanyama community. Tomorrow we plan to visit Napranum and Mapoon and on Thursday we will meet with people from Bamaga and other northern peninsula communities at the very tip of the cape. The aim of these visits is to ensure that people who live out their lives documented by Justice Fitzgerald have an opportunity to discuss his recommendations with the government. We will distribute a condensed version of his recommendations and hear and consider the views of grassroots people. Their responses will feed into the government's response to the study and will in this way be considered by cabinet before we make a final decision about implementation.

The people of the cape are as diverse and individual as the people of any land mass of this size—as large as the entire state of Victoria—and I have no doubt that we will receive varied and robust comments about the justice study. The consultations will continue until February and will include communities in other parts of Queensland, because some of Justice Fitzgerald's recommendations are relevant and applicable to communities outside the cape. I have also had

discussions with the chair of ATSIC, Mr Geoff Clark, about the study. He has confirmed that ATSIC is keen to play a role in the consultation process.

While readers of the study are struck by the perils of community life, Justice Fitzgerald is careful to point out that these communities are also home to gifted and hardworking people, loving families and beautiful children. In my role as Minister for Aboriginal and Torres Strait Islander Policy I have the opportunity of meeting such from all over Queensland. I get to know countless indigenous people who are achievers—in business, the arts, sports, academic and community endeavours. Many Queenslanders do not have the good fortune to meet and befriend indigenous Queenslanders and hear only the bad news about indigenous communities. It is my hope that this consultation process will enable the skills of indigenous people to come to the fore and will produce more good news stories about people overcoming the odds to build safe, functional communities on Cape York.

## MINISTERIAL STATEMENT

### Rainfall and Storms

**Hon. H. PALASZCZUK** (Inala—ALP) (Minister for Primary Industries and Rural Communities) (10.10 a.m.), by leave: The recent rain has been very welcome, particularly for the state's summer crop. Falls from 9 a.m. yesterday include 24 millimetres in Stanthorpe, 44 millimetres in Toowoomba, 43 millimetres in Oakey and 31 millimetres in Kingaroy. For many growers the recent rain will be the best start to the summer cropping season in two to three years. However, the rain has been patchy and it has not fallen for all those who need it.

The drought declarations over more than six per cent of the state remain in place. Those declarations are based on the advice of local drought committees, as are the revocations of such declarations. While the rain has been an obvious benefit to many, the rain has not been as welcomed by those producers who were able to plant a winter crop and have not yet harvested it. The Queensland Centre for Climate Applications forecast the improved rainfall probabilities, but QCCA also identified an increase in the potential for severe storm activity over summer across southern Queensland and northern New South Wales.

Producers in parts of Australia, including Queensland, report that they cannot obtain insurance for their crops through commercial providers. To address this and allow farmers to employ better risk management strategies, the federal government announced its intention in 1999 to establish a multi-peril insurance scheme by the end of that year. As a government we contributed towards a study into this scheme. However, the federal government announced that it would not progress the establishment of the scheme that it originally intended to underwrite.

I will be urging the federal government to revisit the proposal. I will be encouraging the federal Agriculture Minister, Warren Truss, to ensure that the issue is back on his government's agenda this term. I have welcomed Mr Truss's reappointment, because I believe it is important to have continuity. I look forward to working with him for the betterment of Queensland's primary industries sector.

## MINISTERIAL STATEMENT

### Tourism Industry

**Hon. M. ROSE** (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (10.12 a.m.), by leave: One of the positives to come out of the recent turmoil in the tourism industry is the clear strength of the Queensland industry in responding to crises. I have spent much time over past months travelling the state and talking with tourism operators and have been very impressed by their resourcefulness and resolve in dealing with the issues impacting on their businesses.

Last weekend I returned from a very successful and informative mission to Japan, Hong Kong and China. It was very evident from the response of industry figures in those countries that our industry's strength has minimised the impact of the terrorist attacks and Ansett collapse. The Japan and Hong Kong industries see Queensland as a popular and safe destination, and there is enormous potential in the China market.

I am pleased to report that the Australian Tourist Commission and industry leaders considered the trip to be perfectly timed. They told me that my presence sent a clear message that Queensland was open for business and that the Beattie government was very supportive of

the industry. In meeting after meeting I heard how agents' business had dropped dramatically in the wake of 11 September—in some markets by up to 75 per cent. However, agents and airlines told me that Australia had been less affected than other countries and that Queensland was less affected than other parts of Australia. The reason is that we have the best tourism product in the world and the best tourism operators. That is not to say that the September double whammy has not had a dramatic impact here, but our industry is recovering rapidly thanks to its resilience and support from the Beattie government.

So attractive is the Queensland product that agents and airlines predicted tourist movements out of Japan particularly would return to normal levels by early 2002. That is good news for Queensland and great news for the industry. Queensland can never afford to take the huge Japanese market for granted. Japan remains our biggest international market, and we are determined to grow it even more. We know that there is unlimited potential, with 19 million Japanese travelling overseas each year. Travelling is part of their culture, and we must continue to develop our own unique Queensland product so that we continue to be an enticing destination into the future.

It is vitally important to boost airline capacity from Japan into Queensland. To this end I had meetings with Qantas Japan and Japan Airlines in Tokyo and Osaka, presenting a business case to JAL that I hope will help convince them to boost flights into this state. We know that the demand is there, and demand will continue to grow as confidence returns to the marketplace. I told the Japanese that they are our friends, that we will welcome them to Queensland and that they will have a great time.

Major Japanese tourism agents were now starting to count improved bookings, thanks largely to the strength of the Queensland industry. This presents tremendous opportunities for Queensland—opportunities we are determined to capitalise on. We will continue to aggressively sell Queensland in the Asian and other markets.

## MINISTERIAL STATEMENT

### Local Government Act

**Hon. J. I. CUNNINGHAM** (Bundaberg—ALP) (Minister 10.16 a.m.), by leave: I wish to speak to the House today about the judgment of the Queensland Court of Appeal last Tuesday that invalidated section 224A(b) of the Local Government Act 1993. Section 224A(b) provided that a local government councillor ceases to hold office as a councillor on becoming a candidate in a federal election. I am disappointed with this result, but I repeat what I said in my public statement last Wednesday: I accept the judgment of Queensland's Court of Appeal. Therefore, the state will not be seeking leave to appeal to the High Court.

I want to emphasise that the state government took a principled stand in deciding to legislate on this issue, because it believes that councillors should not be able to use ratepayer funds to run for higher office. It believes that councillors standing for higher office, either in the state or the Commonwealth parliament, should be treated the same as members of this House who stand for higher office. It believes that a real potential exists for conflicts of interest to arise where councillors seek to pursue their own political careers without regard to the concerns of those who elected them to councils.

As I said during the debate on this provision, this stance was supported by the public, both in submissions received in response to a discussion paper and in responses to a community survey. The court has held that section 224A(b) is invalid as it is beyond the legislative competence of the Queensland parliament and it is inconsistent with certain sections of the Commonwealth Electoral Act 1918. Accordingly, Councillor Mary Lyle and Councillor Pam Stallman did not vacate their offices when they nominated for the recent federal election. As no vacancies exist, no by-elections will take place in the Eacham and Murilla shires and all arrangements made to date for these by-elections are of no effect. The respective returning officers and other affected parties have been notified.

As to the comments of those people who argue that the policy intent of section 224A(b) was morally wrong or inappropriate, it is worth noting that the President of the Court of Appeal, Justice McMurdo, recognised there were 'substantial considerations why the occupation of an office such as local government councillor during the period of a federal election campaign may be undesirable' and referred to considerations raised in my second reading speech on the Local Government and Other Legislation Amendment Bill 2001.

I have considered the proposal for legislative change put forward by the Local Government Association of Queensland after the judgment of the court. The LGAQ has suggested a change to replace the invalidated section 224A(b) relating to federal elections with a new provision affecting councillors who nominate for either a state or Commonwealth election. I undertook to examine this proposal and report on it to state cabinet. I have done so, and I now report on this proposal to the House.

I find it curious that the LGAQ is proposing legislation which its own legal representative has indicated would be invalid. During the course of submissions in the hearing before the Court of Appeal the LGAQ's legal representative stated that state legislation requiring a councillor to stand down during a Commonwealth election, as now proposed by the LGAQ, would also interfere with the Commonwealth Electoral Act and would therefore be invalid. This statement was made in response to a specific question asked by the president of the court, and I table the relevant extract from page 57 of the transcript of the hearing.

Therefore, if the state government legislated in the manner proposed by the LGAQ, the legislation is likely to be invalid for the very same reasons given by the Court of Appeal in striking down section 224A(b). The government therefore proposes to repeal the invalid provisions of section 224A(b) of the Local Government Act 1993 regarding councillors vacating their office on becoming a candidate for a federal election. Section 224A(a), which requires councillors to vacate their office on becoming a candidate for the state parliament, will remain in force.

The government took a well-considered and principled stand on this issue. We acted to protect the interests of ratepayers and electors. But the court has determined that, despite the merits of the issues about which we were concerned, this parliament has no power to legislate to achieve such an outcome where a Commonwealth election is involved. This government is not afraid to introduce legislation that we believe is in the best interests of the people of Queensland. In this case, one section was challenged and we accept the umpire's ruling.

**Mr SPEAKER:** Order! Before calling the Minister for Industrial Relations, I welcome to the public gallery students and teachers from St John Fisher College at Bracken Ridge in the electorate of Sandgate.

## MINISTERIAL STATEMENT

### Diving Industry

**Hon. G. R. NUTTALL** (Sandgate—ALP) (Minister for Industrial Relations) (10.21 a.m.), by leave: It is very fortuitous that those students are from my electorate. Welcome.

The Division of Workplace Health and Safety within my department has commenced Queensland's first state-wide safety audit of the recreational diving industry. This audit was put in place by the Beattie Labor government following our concern over the number of fatalities and serious incidents being reported in the state's diving industry and our desire to ensure that Queensland has the safest recreational diving industry in the world.

Over the past three years, 17 people have died while diving or snorkelling off the coast of Queensland. Two people have died so far this year while diving, and another three have died while snorkelling. It is only fair to say that some of these deaths have been the result of prior medical conditions. But as we head into summer—and the biggest tourist time of the year—visitors to our great state need to be assured that operators right up and down the coast of Queensland have in place the safest working regulations possible, including emergency procedures.

I am pleased to say that our preliminary findings show that many operators are following workplace health and safety regulations. But as with all audits, there are some operators who are ignoring key areas of the regulations. Eighteen dive operators have now been audited in north Queensland and 26 improvement notices have been issued, primarily to smaller operators. These notices refer to critical issues like not providing suitable oxygen equipment to revive a person in the event that they become unconscious; dive instructors not having current dive medical certificates; entry level recreational divers not having medical certificates; lookouts not having adequate systems in place to deal with a diving emergency; and dive safety logs not being signed by the vessel master.

The audit is also investigating the skills of divers, emergency plans, rescue plans for divers and snorkellers, as well as medical condition checks for people snorkelling. Importantly, this audit is also the first state-wide check of new regulations that were introduced by the Queensland

government in February last year on the recommendations of the task force into recreational diving. Honourable members may remember that the task force was set up after the disappearance of two American divers on the Great Barrier Reef in January 1998.

This three-month blitz is part of the stepped-up enforcement activities of the Division of Workplace Health and Safety. These blitzes are unannounced and random and target high-risk industries throughout the state. I am pleased to report that operators have been quick to comply with the notices and are cooperating fully with the division's inspectors. Most of the notices require immediate action, and the division would expect all other notices to be met within one to two weeks. Anyone found not complying with a notice faces an on-the-spot fine of up to $1,500 and possible prosecution.

Our specialist dive inspectors are now moving down the Queensland coast, and I look forward to updating honourable members on the report that will be provided to me at the end of three months.

## MINISTERIAL STATEMENT

### Satellite Technology

**Hon. P. T. LUCAS** (Lytton—ALP) (Minister for Innovation and Information Economy) (10.24 a.m.), by leave: We often hear about the international space race, but I would like to outline what is taking place within the Smart State's avionics industry. This month I presented a state government cheque for $360,000 to a research facility at the Queensland University of Technology here in Brisbane, where researchers are involved in building FedSat, which will be Australia's first satellite in 30 years. This obviously is a model of what it will look like. The actual micro-satellite is about the size of a personal computer, will weigh less than 50 kilograms, but will provide a huge research platform for Australia's space science, communication and GPS studies.

FedSat will be launched from Japan next year. As part of FedSat, the CRC's Queensland node at QUT has developed the satellite's high-performance computing and global positioning system elements. What this means is that the hardware on the satellite can be rewired and reconfigured—much like a child's electronics kit can be reconfigured—by researchers here on earth. Think of the benefits.

We currently get satellite images from orbiting spacecraft that are hours old. But this technology could provide real-time information—an instant snapshot—of rising waters during a flood or the exact path and speed of a cyclone. Currently, the data has to be processed on earth and the raw materials sent through the network. This will allow the data to be processed in space and the information that is needed to be downloaded much quicker. The best part is that the intellectual property behind this technology was developed and owned within Queensland.

The cheque I handed over this month was part of $1.8 million the state government is providing to the Queensland node of this CRC. This is money well spent. This CRC is doing innovative and exciting work that will increase Queensland's capabilities in space science, satellite navigation and remote sensing. Our micro-satellite researchers are aiming sky high. Their work epitomises the Beattie government's Smart State strategy of doing things better and smarter. They are developing leading-edge skills and expertise, and this research will create jobs and potentially millions of dollars for Queensland through licensing arrangements once FedSat has been launched and the technology proven.

## APPROPRIATION (PARLIAMENT) BILL (No. 2)
## APPROPRIATION BILL (No. 2)

### Remaining States; Cognate Debate

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (10.27 a.m.), by leave, without notice, I move—

That so much of the Standing and Sessional Orders be suspended to enable the Appropriation Bill (No. 2) and the Appropriation (Parliament) Bill (No. 2) being treated as cognate Bills for their remaining stages—

(a) one question being put in regard to the second reading;

(b) the consideration of the Bills together in Committee of the Whole House;

(c) one question being put for the Committee's report stage; and

(d) one question being put for the third reading and titles.

Motion agreed to.

## SITTING DAYS AND HOURS; ORDER OF BUSINESS

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Leader of the House) (10.27 a.m.): I advise honourable members that the House will continue to meet past 7.30 p.m. this day. The House can break for dinner at 7 p.m. and resume its sitting at 8.30 p.m. Government business will take precedence for the remainder of the day's sitting except for a 30-minute adjournment debate.

## SCRUTINY OF LEGISLATION COMMITTEE

### Report

**Mr PITT** (Mulgrave—ALP) (10.28 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 8 of 2001* and move that it be printed.

Ordered to be printed.

## PRIVATE MEMBER'S STATEMENT

### Plane Crash, Toowoomba

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (10.28 a.m.): I was going to talk on another matter this morning, but it seems that there has been a very tragic plane crash just on the western side of the Toowoomba Airport, so it is not the right time to continue with the particular topic that I was going to talk about. I appreciate very much the advice that I have been given by the Minister for Health. The minister has offered to take me up there, if necessary, during the day. I may have the Leader of Opposition Business in the House handle some of my business if that occurs.

This is a time for us all to consider what has occurred. The details are sketchy at this stage, but tragically some government employees may be involved. The sympathies of everybody in this House would go to their families and to the pilot and his family. As I said, the details are sketchy, but it does appear that the plane has gone down in an industrial area just on the western side of the airport. I know that whatever assistance is needed for the families or the emergency services who have tasks there will be made available. There is no need to ask for that; that will happen anyway.

I pass on the sympathies of the opposition—joining with the Minister for Health—in the event that it is the case, as we believe it is, that some employees of the government were involved.

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

## QUESTIONS WITHOUT NOTICE

### Government Superannuation Office

**Mr HORAN** (10.30 a.m.): In asking a question of the Treasurer I refer him to the numerous bungles, overpayments, duplicate levying of surcharge tax, security lapses and other 'administrative errors', as the Treasurer has described them in the *Courier-Mail* today, and I ask: as it is important that the 380,000 QSuper fund members can have faith in the proper administration of the fund and as the Auditor-General has admitted that he has only looked at a sample of payments to date, will the Treasurer now commission a full audit of all QSuper payments, of the security systems and of the financial and administrative procedures? Can the Treasurer explain why the Government Superannuation Office does not have a centralised record keeping system and record software management program? How long has the Treasurer known about those problems and how does he propose to actually fix them?

**Mr MACKENROTH:** I have read today's *Courier-Mail*. It conducted a special investigation of all the information that was provided to it by the opposition, which came out in the parliament. That information was supplied by a former staff member of the QSuper office who now works for the opposition. However, the issues raised in relation to overpayments have been—

**Mr Johnson:** You've got all the staff in your office.

**Mr MACKENROTH:** Yes, but they do not go around leaking information. This issue of overpayments has been raised previously in this parliament. The Leader of the Opposition, having raised it again, should be reminded—because he has obviously forgotten—that the majority of overpayments—

**Mr Horan** interjected.

**THE SPEAKER:** Order! We will hear the answer to the question.

**Mr MACKENROTH:** The overpayment of $124,560.20 occurred on 13 January 1997, when the opposition was in government. The payment of $68,745.78 occurred on 21 August 1995, during the Goss government. The payment of $539,006.09 occurred on 8 May 1997, when the opposition was in government.

**Mr Johnson:** We are aware of that. We want to know what you are doing about it.

**Mr MACKENROTH:** In reality, if there was a lapse in the system, it occurred whilst the opposition were in government. Let me assure members, I will rectify it.

## Fuel Subsidy Scheme

**Mr HORAN:** I direct my second question to the Premier and I refer him to the 8.35c per litre subsidy on fuel and recent reports that the price of petrol in Brisbane is just 4.3c a litre cheaper than in Sydney and 3.3c a litre cheaper than in Melbourne. Given that the government's petrol price watch web site has not been updated in over a year and Queensland's petrol prices are no longer cheaper by the full amount of the subsidy, can the Premier tell this House why the subsidy scheme has failed and what will be done to stop this rip-off of Queensland motorists?

**Mr BEATTIE:** I will begin my comments today by passing on our sympathy, on behalf of the government and all members of this House, to the families of those who have lost their lives today in the tragic plane accident in Toowoomba. As members would appreciate, one of the great difficulties for Queenslanders is that we live in a huge state, with enormous distances and with 3.6 million people scattered across those distances. The only way to provide services to all Queenslanders is by the use of planes, the Internet and so on. In essence, when it comes to medical services, it requires people to be there. Therefore, health officials, teachers and police officers put their lives at risk every day. It is important on a day like today that we acknowledge the contribution of those citizens to the people of Queensland, and I want to thank them today.

In terms of the fuel issue that was raised, I do not have the material with me but, as I understand it, the material that the Leader of the Opposition referred to applied to a couple of days, and a couple of days only. What happens is that the Sydney and Melbourne markets and, indeed, the Brisbane market from time to time go through price competition and for a short period of time the prices will drop in Sydney and then they return to what they were before.

The 8.3c a litre subsidy that we pay does make Queensland's petrol the cheapest in Australia, and we will continue to do that. However, it would be naive to think that there will not be price fluctuations because of short-term price discounting in, say, the Sydney market. It has to be looked at over a period of time, not a short period of time. I requested some material on this and, when I looked at it, I found it was simply a short-term blip. There will be changes that will happen from time to time; that is basically the answer.

We brought in a new system. As everyone would be aware, a fuel task force was established by my government in June 2000. A direct payment model for bulk end-users and retailers was introduced in October 2000. These changes were needed to prevent abuse and financial loss to the state. The new bulk end-user scheme commenced on 1 October 2000 and the new retail scheme on 1 December 2000. As of 31 December 2001, 13,493 bulk end-users and 1,293 retailers were licensed.

Instead of paying it in a way that could be abused, we now pay it directly, which means it is then passed on. We think this is a better system and we think it is working well, but there will be days when competition brings about reductions. I would like to see more competition in Queensland. I would like to see more price discounting. This is an area we will continue to keep an eye on.

## Opal Mining; Native Title

**Mr PEARCE:** I refer the Premier to the fact that the opal mining industry, like all sectors of the mining industry, needs confidence and security. What has the state government done to ensure that this most worthy enterprise continues as a vibrant sector?

**Mr BEATTIE:** I thank the honourable member for his question because the Queensland opal mining industry has received a much-needed boost with the signing of the Winton Indigenous Land Use Agreement. This native title agreement was signed by representatives of the Maiawali and Karuwali people and the Queensland Boulder Opal Association, and I signed on behalf of

the Queensland government last week. So last week there have been significant advances. The Winton ILUA applies to an area of land in central-west Queensland about the size of Tasmania. It is part of the second phase of the Queensland government's small mining project, which aims to eliminate the backlog of exploration and mining tenures for non-corporate miners.

This type of agreement is of great importance to regional Queensland in particular, hence the honourable member's question. It provides security and stability for opal miners around Winton, while providing a range of benefits for the traditional owners—a win-win. It will be a catalyst for revitalising opal mining in the district, which will potentially have significant economic benefits. The Winton agreement affirms my government's commitment to building Queensland's regions. Under the agreement, miners in the Winton region will benefit from the grant of about 200 backlogged exploration and mining tenures, as well as future grants for a 10-year period. Two hundred! I think that is a very important announcement.

The Winton ILUA further cements the healthy relationship between the opal miners and the Maiawali and Karuwali people. This ILUA clearly demonstrates that my government's policy of negotiation, not litigation, is fostering mutual respect between indigenous and non-indigenous Queenslanders. The reason for that is that that is the cooperative model. I do not think anyone wants to see money going into the pockets of lawyers when these matters can be resolved by goodwill and commonsense. As I said, this is win-win. Once the National Native Title Tribunal registers the ILUA, tenures can be granted progressively according to an agreed schedule.

I congratulate both the Maiawali and the Karuwali people and the Queensland Boulder Opal Association. This agreement is testament to the positive relations built during the cooperative negotiations of the Winton ILUA and sets the standard for future negotiations in other areas.

In terms of what it means for elsewhere, which is what the member's question is about, let me come to the point of what we are doing. I have already reported to the House that there has been an ILUA reached in the area around Mount Isa, the north-west province region. The state-wide ILUA is out for consultation and there is no reason why this ILUA here cannot be the basis of agreement for elsewhere. Once one set of miners is prepared to agree to remove a backlog of 200, there is no reason why indigenous people and miners cannot agree elsewhere. Therefore, I say to Queenslanders: here is a model for the future; this is the way ahead.

## Tugun Bypass

**Mr JOHNSON:** I refer the Minister for Transport and Minister for Main Roads to the proposed Tugun bypass that was shown in last year's Roads Implementation Program as a $157 million project. In this year's RIP the minister has indicated that the state government contribution is $55 million which, when matched with the Commonwealth contribution, means that the minister is $50 million or more shy of being able to build this road. I ask the minister: is this why the Department of Main Roads has commissioned private consultants to examine the charging of a toll on the Tugun bypass?

**Mr BREDHAUER:** The answer to the honourable member's question is no. When the member for Gregory was the Minister for Transport and Main Roads in the coalition government, the Tugun bypass went absolutely nowhere for three years. There was a complete—

**Mr JOHNSON:** I rise to a point of order. The minister is misleading the House. He knows that is an untruth. I ask him to withdraw that statement. He should take into account what the Honourable the Minister for Tourism and Racing said. She was going to start the road in three weeks. That was four years ago.

**Mr SPEAKER:** Order! This is question time. I call the minister.

**Mr BREDHAUER:** If the member finds anything I said offensive, I withdraw. For three years under the member for Gregory as Minister for Transport and Main Roads, this issue went nowhere. The former coalition government was in constant dispute with the New South Wales government over—

**Mr JOHNSON:** I rise to a point of order. In the two years and four months that I was the minister in this state, I never had one dispute with Carl Scully over this road. We had very, very fruitful dialogue at all times.

**Mr SPEAKER:** This is not a point of order. If the member takes any more frivolous points of order, I shall warn him.

**Mr JOHNSON:** Mr Speaker, if you are going to tolerate untruths, you will hear them from the minister all day. I just want to clarify—

**Mr SPEAKER:** Order! The member will resume his seat.

**Mr BREDHAUER:** The poor kids have been frightened out of the gallery, Mr Speaker. This government has finalised the route alignment. We have an understanding with both the New South Wales and Commonwealth governments to progress the construction of the Tugun bypass. We have had the impact assessment statement, which is under way. What is reflected in the Roads Implementation Program—

**Mr Johnson:** I know that.

**Mr BREDHAUER:** The member should just take a pill. What is reflected in the Roads Implementation Program is the commitment that we gave prior to the election in February that we would contribute an initial amount of $54 million, I think it was—I stand corrected; it might have been $53 million, but I think it was $54 million—towards the cost of construction so that we could begin construction in 2002 after the completion of the impact assessment study and dependent on the necessary approvals being gained from both the New South Wales government and the Commonwealth government in terms of environmental and impact assessments and the finalisation of an agreement with the Commonwealth government on funding for the Tugun bypass.

We are, in fact, in the process of delivering on that commitment that we gave prior to the election in February. I have had many discussions with the member for Currumbin, the Minister for Tourism and Racing, who has been beating a path to my door in relation to this issue. But this issue has progressed more in the time that I have been the Minister for Transport and Minister for Main Roads than it has in the 15 or 20 years that the community has been agitating for this project.

The toll road is under consideration because the Commonwealth is interested in exploring opportunities for tolls to be considered as part of its contribution to roads of national importance, which the Tugun bypass would be. So, we are exploring private and public partnerships in respect of the Tugun bypass. We are exploring the issue of tolls. We are doing that in cooperation with the Commonwealth. But let me say again that we made the commitment prior to the election. The RIP reflects the commitment that we gave, but it is just the start of our construction.

## Crime and Misconduct Division

**Mr WILSON:** I ask the Premier: the future direction of fighting organised crime and misconduct in this state has changed with the new Crime and Misconduct Commission. Can the Premier advise the House who will be the inaugural head of this new crime fighting body?

**Mr BEATTIE:** I can, and I thank the honourable member for the question. As chairman of the relevant parliamentary committee I know that he has a particular interest in it. I am pleased to advise the House that the former Criminal Justice Commission Chair, Brendan Butler SC, has been appointed to head the new Crime and Misconduct Commission by an independent process representing both sides of parliament. The member was a representative in that process and I thank the member for Warrego, who also was a representative on that group. Mr Butler's appointment as chairperson of the CMC was endorsed by state cabinet on 19 November and was approved on 22 November by the Governor in Council. He has been appointed for three years from 1 January 2002 with a possible renewal for a further two years if both sides agree.

The position was advertised nationally and selection was done by an independent committee, including members of the government and opposition, as I mentioned. I congratulate Brendan Butler on his appointment to this new and challenging position. Mr Butler brings great experience to that position. I also thank former Queensland Crime Commission Chair, Tim Carmody, for his contribution as crime commissioner. The CMC, formed by the merger of the Criminal Justice Commission and the Queensland Crime Commission, will continue the process started by the Fitzgerald inquiry.

I should point out that the CJC began operating, if I recall correctly, on 22 April 1990. It is therefore appropriate that after 11 years and a bit more there be a review and an examination of a new model. We now have a new model which has been adopted by this parliament and which will reinvigorate and refresh the role of what is now the CMC to carry on the Fitzgerald agenda.

While we are talking about people and appointments, I want to advise the House that last week I farewelled my outgoing director-general, Dr Glynn Davis, who has been appointed incoming vice-chancellor of Griffith University. He goes with my very best wishes and my confidence that he will serve Griffith University with the same commitment that he brought to his position in heading my department. I pay tribute to Dr Davis for his outstanding leadership, for his passion for policies such as the Smart State and for his strategic skills and management style. I also thank him for staying on at my request until late this year so as to ensure continuity of leadership during some important events, including the Council of Australian Government Meeting in June, the Goodwill Games and the preparatory work for the postponed CHOGM meeting. I was delighted to secure the services of Dr Leo Keliher to replace Dr Davis. Dr Keliher is a former director-general of Queensland Emergency Services and for the last five years has been Commissioner for Corrective Services in New South Wales, where he made a major, positive impact on the escape rate and industrial and staff relations. Doctor Keliher has had a distinguished career as a public servant and will be an admirable successor to Dr Davis.

## Goodwill Bridge

**Mr QUINN:** I refer the Premier to the failure of the Department of State Development to properly cost the construction of the Goodwill Bridge and I ask: given that the final cost blew out by $9 million, or more than 50 per cent of the original budgeted cost, will the Premier clarify whether or not he approved a performance bonus for the director-general of that department and, if so, what was the bonus?

**Mr BEATTIE:** The issue of bonuses for the head of the Department of State Development for the construction period has not yet been determined. The aggregate of bonuses of which I advised the House in our last sitting related to the previous year, and I have made that clear publicly. Any assessment in terms of bonuses for the year of construction will be determined for the coming year. They are done in arrears, when the year is completed. So—

**Dr Watson** interjected.

**Mr SPEAKER:** Order!

**Mr BEATTIE:** I know that this is really hard to understand, but one actually judges performances in retrospect, one does not judge them in advance. I know that this is a difficult concept, but a bonus payment is based on performance; therefore, one has to finish the year and then determine the issues. The issues—

**Honourable members** interjected.

**Mr BEATTIE:** No, hang on; there is nothing cute about this. The Leader of the Liberal Party has raised an issue about the performance of the director-general and has linked it to the construction of a bridge. The problem issues to which he would refer—not my words here, his—relate to a period of time that has not yet been considered. It is very simple. It is black and white. It is not complicated. It is not difficult. It simply is logical. I am not being cute with the member. He has asked a legitimate question; I have given him a legitimate answer. Any assessment will be made in terms of next year's bonus. But, having said that, let me also point out to the honourable member, as he would be aware, that the head of state development, Ross Rolfe, is in fact leaving to become the CEO at Stanwell.

**Mr Quinn** interjected.

**Mr BEATTIE:** That is a matter to exercise my discretion on at the appropriate time and I have not yet exercised my discretion. I exercise my discretion within certain criteria. All CEOs get performance requirements criteria and I will exercise that discretion at the appropriate time. But I am happy to tell the House that he will not be getting a full bonus, and the reason for that is that he is leaving. So there is no way in the world that he will be getting a full bonus. I am happy to help the honourable member with that as well. So, next year when the honourable member asks me, "Did he get a full bonus,' let me go against what I said before and get out the Nostradamus crystal ball and say that no, he will not be getting a full bonus, and the reason—

**Dr Watson:** All of those things will be decided at the appropriate time.

**Mr BEATTIE:** All of those things will be assessed at the appropriate time. But he will be leaving and any bonus paid will be in accordance with the strict criteria that I set on the basis of performance. But to answer the honourable member's question, so I am complete, I say that the head of State Development will be leaving at the end of December and will be taking up his

position as CEO of Stanwell at the beginning of next year, and I wish him well in his new appointment.

## Cape York Justice Study

**Ms KEECH:** My question is directed to the Minister for Employment, Training and Youth. I refer to the recent report to government by former Justice Tony Fitzgerald, which identified a number of issues confronting the people of Cape York, and I ask: can he inform the House whether the government is addressing underlying economic issues such as employment and training?

**Mr FOLEY:** Yes, the government is addressing those issues, because it is very important to address the economic substructure as well as addressing issues of social and cultural superstructure. The report to government in the past few weeks by former Justice Tony Fitzgerald has stimulated a good deal of public debate. There has been considerable focus on social issues such as alcohol abuse, but it is very important to work hard on the underlying economic issues such as employment and training.

Longstanding work has been done, for example, by the Tropical North Queensland Institute of TAFE, which has commenced preliminary training for an enrolled nurse qualification in Bamaga. The Cairns regional training group has commenced retail training in Lockhart River. But over the past week I have approved the secure funding for a pilot program that was due to finish in September. Funding has now been provided for the next three years. This is to enable employment and training coordinators in Cape York indigenous communities. This upgrading of the pilot program means that we now have five employment and training coordinators—one based at Aurukun and serving the western cape, one based at Mareeba in the Australian College of Tropical Agriculture and serving the Cooktown region, another based at Lockhart River and serving that community in Coen, another based in Cairns and serving Kowanyama and Pormpuraaw, while the fifth is based in Bamaga and is serving the northern peninsula area. It is important to remember that there are currently 116 indigenous trainees in the Cape York region and 106 apprentices.

The decision to proceed with that funding followed meetings in Cairns last week involving my director-general, major government training providers in the region, the Cape York partnership and the Aboriginal Coordinating Council. This is a major step in addressing job opportunities. It dovetails with our policy of ensuring that 20 per cent of local labour is engaged when contractors build government buildings, and at least half of that has to be through apprenticeships or traineeships. This is important in order to use the engine of government construction as a training ground for long-term skill development and long-term economic opportunity.

I commend the Premier and the Minister for Aboriginal and Islander Policy for addressing the issues raised by Mr Fitzgerald in his report. I am determined that the Department of Employment and Training will continue to work hard on the underlying economic issues.

## Queensland Principal Club

**Mr HOBBS:** I refer the Minister for Racing to the $1.9 million loss recorded by the Queensland Principal Club last year as well as the club's report that prize money and other incentives have to be reduced because the racing industry is expected to lose another $3.2 million in product fee income by 2004-05. Given the industry has lost its money because the government had its annual betting turnover projections so wrong when it privatised the TAB, what will the minister do to restore these losses and to stop Queensland prize money levels from dropping even further relative to New South Wales and Victoria?

**Mrs ROSE:** I thank the honourable member for the question. I am aware of the comments that he has made in the media over the last couple of days. The Beattie government's deal with the Queensland racing industry was far superior to that that was offered but never finalised by the Borbidge government. The Queensland racing industry received an uplift of approximately $10 million in funding following the sale of the Queensland TAB in November 1999. The industry also received capital payments totalling $16 million and the forgiveness of $36 million of industry debt. It was a decision of the previous coalition government not to give the Queensland racing industry the full benefits of gaming machine revenue.

That was a decision by the coalition government and to make up for that decision the Beattie Labor government lowered the state wagering tax rate to 20 per cent, which is the lowest in

Australia. In New South Wales and Victoria the wagering tax is 28.2 per cent. The Beattie Labor government also abolished the bookmakers' turnover tax. The member for Warrego has continually shown by his dodgy figures that he does not understand how the commercial relationship between the Queensland TAB and the racing industry works. He also shows that he has a very short and a very selective memory when it comes to racing industry history. The racing industry benefits by encouraging turnover to the Queensland TAB. That is the nature of the commercial deal. The Queensland racing industry is now waiting for the opposition to show its money after its racing spokesman announced huge injections of funds at an industry function only last night. Now, I heard about this.

**Mr Hobbs:** That was before the last election.

**Mrs ROSE:** Yes, that was in the campaign in the lead-up to the last election, but the opposition spokesman is always very short on detail. We never know how much money; we never know where it is going to come from; we do not know where it is actually going to go. It is always just this broad statement about how the opposition intends to inject all of this money into the racing industry, but it has absolutely no idea where the money is going to come from. And what we are all waiting to hear is: how much, where it is going to come from and where it is going to go.

## Aviation Industry

**Mr MICKEL:** I direct a question to the minister for State Development: what is the government doing to assist local businesses work to benefit from the state's commitment to aviation?

**Mr BARTON:** I thank the member for the question. Of course, the member takes a very keen interest in the state's aviation industry, business issues generally and small business issues in his own electorate that we regularly discuss. But last week I announced that the RAAF F111 weapon systems business unit, or WSBU, was handed over to Boeing Australia. The contract was signed in August this year and it is the largest and most far-reaching defence support contract let so far by the Commonwealth of Australia.

This is good news for small business, because since choosing Queensland as its Asia-Pacific headquarters, Boeing has substantially increased its commitment to the state, employing around 500 staff in preparation for this new project, ramping up operations at the RAAF base at Amberley. In short, Boeing's presence here heralds great possibilities, not only for the aviation industry but also for these local businesses that are part of the recently formed electronics manufacturing outsourcing centre, or eMOC. The Queensland government through my department supported that. eMOC is a virtual factory representing a collection of local electronics manufacturers, acting as a single point to supply companies, including Boeing Australia. It grew out of State Development's Electronic Industry Development Initiative—EIDI—which was originally formed to source Boeing Australia's specialist electronic components needs.

My department is working with companies, including B&R Enclosures, Harnex, Ferra Engineering, Surtek, Oz Electronics, Metlink and the Queensland Manufacturing Institute to ensure that Boeing's presence provides the greatest opportunities for businesses to tap into new contracts, leading to great opportunities for local industry in sectors related to aviation as Boeing seeks the supply of components and services. Boeing's work from contracts with the RAAF, and the forthcoming relocation of work with the Australian Defence Force Helicopter School to Oakey, will continue to lead to new opportunities for local manufacturers. Many of those local manufacturers are in the member for Logan's electorate.

eMOC now has a wider brief to offer the capabilities of local businesses to clients in other industries, including mining, transport, aerospace and defence. Through eMOC, Boeing has helped pave the way, with the Department of State Development and the EIDI, to develop a cost-effective way for local enterprises to pitch for work with the multinationals based in Queensland.

This is an opportunity for Queensland electronics manufacturers to prove themselves on their home turf to a multinational aerospace company. This initiative was commenced by my department's investment division. This will provide a significant kick to Queensland's aviation industry and will allow for stronger aviation and electronics manufacturing sectors in Queensland. It is part of us positioning ourselves as South-East Asia's aviation hub.

### Kilcoy Pastoral Company

**Mrs PRATT:** My question is directed to the Premier. Following the disastrous situation in which 340 workers—some 40 per cent of the total work force of Kilcoy—have lost their jobs because the major employer in the town, Kilcoy Pastoral Company, has shut its doors, the Premier stated on ABC television on 23 November, 'All the government wants to do is help.' Is that still the government's intention? What initiatives have been taken to assist the company, the workers and the town? Why has the town been left to its own devices when other AMH establishments at Dinmore and Murgon, and the abattoirs of other foreign entities, have been offered various forms of assistance and/or incentives in the past?

**Mr BEATTIE:** When my government came to office the Queensland meat industry was heading interstate and overseas. We established a Meat Industry Task Force to turn that around. It has been turned around. Nevertheless, we have had some problems along the way. Murgon meatworks was in trouble. As honourable members know, the government saved that meatworks. We encouraged the MacDonald family to come here from New South Wales—I think their home was in Orange—and they have been very good corporate citizens. As a result of that action, the Murgon meatworks is back on schedule. My government is very proud of that. I believe that the Department of State Development has done a good job.

I turn to the matter of Kilcoy. On 19 November 2001, the Kilcoy Pastoral Company stood down 240 workers and announced that the abattoir would be closed. The state government immediately responded. The immediate response group met on 19 November to consider the situation. Senior company representatives met with the Department of State Development on 20 November in order to clarify the situation. Officers from the Department of Employment and Training, the Department of State Development and the Department of Primary Industries visited Kilcoy, I understand, on 23 November. The Minister for State Development, Tom Barton, personally met representatives of the company. The task force is currently in Kilcoy, as I understand it. Tom and I have had a number of discussions about this matter because we are concerned to ensure that the Kilcoy meatworks continues to operate.

As honourable members know, there are some issues concerning the certified agreement. The Kilcoy certified agreement expired in August 2001 and Kilcoy management is trying to negotiate a new certified agreement with unions to bring the meat processing works into line with competing plants. The future of the Kilcoy Pastoral Company is dependent upon the successful outcome of the certified agreement negotiations.

Tom had a meeting with them and they agreed to go back and talk to the work force and the unions. Those discussions are continuing. The government has responded very quickly. The minister has personally met with the parties involved. His task force is in operation both here and in Kilcoy. However, as I understand it from my discussions with Tom, the company needed to go back and talk to its work force. As I indicated, the certified agreement is very important. Those discussions are continuing at this moment.

The government's track record in this matter is very clear. The results have been shown in the restoration of the meat industry in Queensland, including what happened at Murgon. We will continue to do everything we can to assist at Kilcoy.

### Centenary Flag

**Mrs DESLEY SCOTT:** My question is directed to the Premier. I ask: could the Premier inform the House why a new flag is being flown over this parliament today?

**Mr BEATTIE:** From noon until dusk this day a different flag will fly over this House. Mr Speaker, I am pleased to inform the House—because you already know about this—that from noon today the Centenary Flag will be flown. The Australian National Flag was first flown in the presence of the Right Honourable Sir Edmund Barton, MHR, on 3 September 1901 at the Royal Exhibition in Melbourne. The original has been lost and the Australian National Flag Association has gifted to the Commonwealth a flag known as the Centenary Flag.

Prime Minister John Howard, at a re-enactment ceremony in Melbourne on 3 September this year, accepted the Centenary Flag. The flag is being flown in all states and territories as a symbolic commemoration of bringing together the people of Australia in one nation under the one flag of the Commonwealth. As part of the flag-flying, I will be signing a formal declaration affirming that the Centenary Flag has been flown at this parliament on this day. The flag includes an

additional panel on its hoist which includes a description of its history and details of the 3 September presentation to the Prime Minister.

Today's flag-raising ceremony will include attendance by Mr Speaker, Mr Allan Pidgeon, president of the Australian National Flag Association, Miss Pixie Annat, patron of the Australian National Flag Association, and Miss Tiffany Dudman-Klease, a committee member of the Centenary of Federation Queensland. Premiers and Chief Ministers will carry out the flag raising in their respective states and territories, as we have done in Queensland.

I thank you, Mr Speaker, for allowing this flag to be flown. The Centenary Flag has special and formal status covered by a warrant in accordance with section 6 of the Flags Act 1953 (Commonwealth). It can be flown as the Commonwealth's flag on formal occasions. When it is flown, formal record of that event must be noted.

Today's gesture is one I support. It is part of the Centenary of Federation celebrations. We are a united country and we deserve to always be united under one flag. I call upon all members to note that the Centenary Flag is flying as they move to and from this chamber.

I wish to refer to another matter relating to the Centenary of Federation. The Minister for Public Works, Robert Schwarten, Ross Fitzgerald and I participated in a 1917 printer's plaque commemoration yesterday. It is worth noting that on 26 November 1917 Commonwealth troops raided the former government printery located in George Street. At that time there was a fierce national debate over plans by the then Prime Minister, Billy Hughes, to introduce conscription. Hughes had imposed military censorship, but Queensland Premier—Labor Premier—T. J. Ryan, a strong opponent of any compulsory call-up, enraged the Prime Minister by publishing in full a state parliamentary debate on the issue. I did not know *Hansard* was so interesting. The special *Hansard* record of the debate was intended for free distribution.

**Mr Mackenroth:** On the Internet.

**Mr BEATTIE:** That's right, you can get it on the Internet. It was immediately seized in a raid by the military on what was then the government printery. The Premier turned up in his pyjamas to save the day. It is not a precedent that I intend to follow.

## Banana Industry

**Mr ROWELL:** My question is directed to the Minister for Primary Industries, and I ask: is the minister aware of the interruption to rail freight of north Queensland bananas from the Tully Valley production area to the Sydney and Melbourne markets? As this stands to severely disrupt the banana industry's transport and marketing when the risk of transfer of disease is minimal, what measures is he taking to overcome this problem?

**Mr PALASZCZUK:** I thank the member for the question. I say at the outset that, yes, I am aware of the situation. Unfortunately, the banana industry in far-north Queensland has gone outside the protocols put in place by both Queensland and New South Wales for the transportation of bananas from Queensland to the Sydney market. Of course, the member also referred to rail freight. The indication I have from the Department of Primary Industries as late as Friday evening is that the transportation of bananas by rail freight is to be banned and road transport is to be introduced, as it should have been when originally negotiated with the Sydney banana industry and the New South Wales government simply because the transportation of bananas from the black sigatoka area in Tully should not proceed through banana-growing areas in south-east Queensland and northern New South Wales.

However, I make this point: the risk of spreading any disease is minimal. However, protocols have been put into place by both the Queensland government and the New South Wales government to ensure that that risk is not entertained. As the honourable member would know, there is a breakfast with the banana industry tomorrow when this issue and other issues in relation to black sigatoka in far-north Queensland will be further discussed.

## Tourism, Whitsunday Region

**Ms JARRATT:** I ask the Minister for the Environment: will he accede to my request to open new sites to nature based tourism in the Whitsundays?

**Mr WELLS:** Yes, I will. As a result of the honourable member's representations, nature based tourism is set to expand in the Whitsundays. The Queensland Parks and Wildlife Service is opening new sites on island national parks in the Whitsundays to managed commercial camping

activities. The introduction of this commercial camping program heralds a new approach to fostering sustainable business opportunities across Queensland parks. National parks are one of our biggest tourist attractions. The Minister for Tourism has told me that the Whitsunday region is one of Queensland's five leading destinations.

**Mrs Rose** interjected.

**Mr WELLS:** I thank the minister for confirming that. This new program will mean access for a range of operators and improved facilities for tourists and visitors. The sites identified for the program include the Whitsunday islands, Lindeman islands, Repulse islands, Molle islands and Gloucester islands national parks. Six operators have been selected as part of the program, which supports a range of commercial operations from small kayaking groups of 12 campers to yachting groups of up to 36. The beauty of these arrangements, though, is that the environment will still be protected. All operations will be conducted on a ship it in, ship it out basis—that is, everything they take in with them they will take out with them. There will be no rubbish left and the human footprint on the national parks areas will be absolutely minimal.

The honourable member for Whitsunday will be pleased to hear that this initiative is not the only initiative actually taking place in the Whitsunday area that is helping to create a stronger tourism industry as well as allowing us to enjoy our natural assets. The Beattie Labor government is committed to creating jobs in regional areas. I am pleased to inform the House that the Whitsundays will get its fair share of the new ranger positions I announced in the House recently. Three of these new positions will be at Airlie Beach while another three rangers will be based in Mackay. These positions will enhance parks and wildlife management across the Mackay-Whitsunday area. The advocacy of the honourable member for Mackay and the honourable member for Whitsunday has drawn to the attention of the government the necessity for this placement.

This government is also delivering on another election commitment—that is, establishing a system of great walks across the state. A walking track is planned in the Whitsundays as part of this initiative. A project officer has been appointed to manage the project in consultation with various stakeholders such as the indigenous community, the tourism industry, conservationists, the Whitsunday Shire Council and the community generally. A total of $100,000 has been made available this year for this project, with detailed project costings to be undertaken for future financial years. I thank the honourable member for Whitsunday for her question. I am glad that I am able to be the bearer of such good tidings for her constituents.

## Recycled Waste Water

**Mr FLYNN:** My question is directed to the Premier. The people of the Lockyer and the Darling Downs were appreciative of the time that the Minister for State Development and the Leader of the Opposition spent recently touring the area, particularly their concerns about the recycled water project from Brisbane.

**Mr Livingstone** interjected.

**Mr FLYNN:** And Ipswich West. We were particularly struck with the minister's comments reported in the media stating that the further reports required would go ahead to enable the project to move forward. I ask: in view of the Brisbane City Council's present stand and that of the government on the provision of further funding, can the Premier expand upon the minister's commitment on behalf of his government and can he also indicate what further steps the government has taken to ensure the project's success?

**Mr BEATTIE:** I thank the honourable member for his question, because this is a very important project. I am delighted to see that he is advocating it on behalf of his local people. The South-East Queensland Recycled Water Project is a project aimed at reviewing the viability of taking treated effluent from Brisbane, Ipswich, Logan and the Gold Coast and further refining this effluent to a standard suitable for rural and industrial use and distributing the final product amongst various users in the Bremer, Warrill and Lockyer valleys and the Darling Downs. That is the purpose. I indicate that so that everyone knows what the member and I are talking about.

The government has spent $583,000 on a range of consultancies to investigate the viability of the project. The South-East Queensland Regional Organisation of Councils formed a mayoral task force led by the Lord Mayor of Brisbane to fully investigate the proposal to recycle treated effluent to the Lockyer Valley and Darling Downs. In addition, the Departments of State Development, Premier and Cabinet and Treasury are the government representatives on the

state-local government working group formed to further investigate the proposal. The Brisbane City Council withdrew from the mayoral task force on 9 November 2001 following a failure to reach agreement with the state over sharing the cost of additional consultancies of $900,000.

Let me state where we are at. I have met with the people involved on a number of occasions, as have Tom Barton and the other ministers. What I simply did was this: when the Lord Mayor wrote to me about additional money—I am accountable to this parliament and the people—I simply said to the Lord Mayor, 'We've spent $583,000 on a range of consultancies to look at the viability. We'll give you that as a starting point.' There is no point going back and doing another consultancy and another report. It is either viable or it is not. We put the report on the table. I wrote a very conciliatory letter to the Lord Mayor and said that. The Lord Mayor sent my letter to a number of councils and, as a result, the Brisbane City Council then withdrew and there was some criticism directed at my government.

We do not want this to be a political football. We think this project has merit. We want to cooperate with the Brisbane City Council. Tom Barton has subsequently had a meeting with the Lord Mayor to try to put this back on foot, and I think, Tom, I could put it in those terms. We are keen to work with Jim Soorley on this issue. Three things are needed: one, our commitment; two, the commitment of the Brisbane City Council; and three, the commitment from the federal government in conjunction with the private sector. One could say that four things are needed if the private sector is put in another category. The state government alone cannot fund this because it involves several hundred million dollars, and no-one has ever suggested that should be the case. The proponents want to see a private sector involvement with the federal government.

**Mr Flynn:** I'm talking about the reports, not the infrastructure.

**Mr BEATTIE:** Yes, I understand the member's point. What I am simply saying is that we have done a lot of work to establish the viability. For the model to progress there needs to be the four stages. We have subsequently had some discussions with the Lord Mayor to try to get it back on track. We will do everything we can.

## Housing, Energy Efficiency

**Ms STRUTHERS:** I ask the Minister for Public Works and Minister for Housing, the delightful Robert Schwarten: what is the Beattie government doing to promote smart housing design in Brisbane?

**Mr SCHWARTEN:** I thank the honourable member who joined with me in Prospect Street, Parkinson, last week at the official opening of our smart house, and I thank her for her very generous comments. I note that the Premier spoke about that debacle that occurred 84 years ago to the date yesterday. One of the things that came out of that, of course, was the absolute predominance that Mr Speaker has in censoring material in the parliament. In those days Hughes was trying to censor this parliament but, as the government printer pointed out at the time, Mr Speaker was the only person who could censor the remarks of this parliament. I ask you, Mr Speaker, not to censor the honourable member for her wonderful and generous comment in my case today.

Smart housing is part of the Smart State agenda that has been established by our government in this our second term. The cornerstones of smart housing are affordability, energy efficiency, accessibility and security and safety. They are the four mainstays of it. I have to say that the place we looked at the other day—it was designed by local architect, Fred Lezzi—won the master builders award for smart housing. It contained a number of features that are quite commonsense, and some of them are quite way out. The reality is that it rammed home the importance of putting on the table proper design criteria that are understood by householders and people wishing to build a home. That is the case not just in public housing, of course, which is my main interest. We need to ensure that what we build out there is sustainable in terms of the capacity of people to pay the bills as they come through the door. It is obviously in our interests to cut down on the use of energy and make houses as efficient as we possibly can so that we are not pricing people out of the market in terms of the ongoing maintenance costs of those buildings. I would submit that is the intention of any person who buys a home.

I was particularly impressed that this home was constructed at a cost of $176,000. It has features in it such as the use of recyclable water off the roof for use in the toilets. That represents a huge long-term saving for people who are grappling with water rates. The energy efficiency of

the place is such that the way it is sited means not one fan had to be on in the place. It did not have any airconditioning; it had been sited to pick up the prevailing breezes.

There are such projects right throughout Queensland. There is one in Cairns, one in Townsville, one in Rockhampton—the beef capital and now the light metals industry capital of the world—and one here in Brisbane. I invite people who are interested, whether they be householders, architects or builders, to go to 83 Prospect Street, Parkinson to have a look at this wonderful establishment before 16 December, when it will be occupied by public housing tenants.

Interruption.

## PRIVILEGE

### Correction to Answer; Recycled Waste Water

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (11.25 a.m.): I rise on a matter of privilege suddenly arising. I inadvertently misled the member for Lockyer. I indicated a figure of $583,000. Up until 14 November 2000 the Queensland government has spent approximately $638,000 on investigations into the viability of the project, including $394,650 on five external consultancies. I did not want to mislead the member. I seek to incorporate these pages in *Hansard*. They will give a more detailed explanation as to what the honourable member sought and will correct the record.

Leave granted.

TOPIC: South East Queensland Recycled Water Project

RESPONSE

The South East Queensland Recycled Water Project (the Project) is a project aimed at reviewing the viability of taking treated effluent from Brisbane, Ipswich, Logan and the Gold Coast, further refining this effluent to a standard suitable for rural and industrial use, and distributing the final product among various users in the Bremer, Warrill and Lockyer Valleys and the Darling Downs.

On 3 August 2001, the South East Queensland Regional Organisation of Councils (SEQROC) formed a Mayoral Taskforce, led by the Lord Mayor of Brisbane, to fully investigate the proposal to recycle treated effluent to the Lockyer Valley and Darling Downs. The Departments of State Development, Premier and Cabinet and Treasury are State Government representatives on the State/Local Government Working Group formed by the Mayoral Taskforce.

Brisbane City Council withdrew from the Taskforce on 9 November 2001 following failure to reach agreement with the State over sharing the cost of additional consultancies.

Up to 14 November 2001, the Queensland Government has spent approximately $638,000 on investigations into the viability of the Project including $394,650 on five external consultancies.

We are keen to see the information developed in those initial consultancies utilised in the next round of analysis into the economic viability and environmental impacts of the proposal. It is this round of studies that the Premier has indicated he would expect to be funded by the other beneficiaries of the scheme, including the end users and relevant local governments.

Should further analysis be required after the next round of consultancies, the State would certainly be willing to consider further contributions to support that activity.

Furthermore, there may be elements of the Recycled Water Project, such as essential expenditure on sewerage treatment plants, which could qualify for support under the Local Governing Bodies Capital Works Subsidy Scheme. Capital subsidies of up to 40% for particular items may be available through this mechanism. The State would be receptive to considering applications by Councils involved in the SEQ Recycled Water Project for support under that scheme.

In the meantime, officials from the three central agencies of Premier and Cabinet, Treasury and State Development will actively participate in the Local/State Government Taskforce.

Resumed.

## QUESTIONS WITHOUT NOTICE

### Death of Brooke Brennan

**Mr COPELAND:** I refer the Minister for Families to the Ombudsman's report into the death of Brooke Brennan in 1999. Considering the concerns this case has raised, will the minister be tabling this report and its recommendations once it has been presented to her?

**Ms SPENCE:** I thank the honourable member for the question. The first I heard about the Ombudsman's report and his concerns about the Department of Families and the Department of Health was in the *Sunday Mail*. The department has not received the report. I have not received the report. When we do receive the report it will be a matter of us consulting the person who put in the claim for the investigation to find out whether they want this report and the information

contained in it to be made public. If that is the case, we will be happy to make the report public. That is certainly the way we operate with any report such as that.

### Fires

**Mr MULHERIN:** My question is directed to the Minister for Emergency Services. I understand that a man from the Mackay region has been convicted and fined for deliberately lighting a bushfire recently. With the bushfire season well under way, can the minister outline the case to the House? I ask the minister whether he can report on the excellent work done by firefighters in the town of Texas in containing a potentially disastrous fire in the main street? Can the minister explain the on-the-spot fines that will come into force on Sunday, 1 December?

**Mr REYNOLDS:** I thank the member for the question. I would like to tell the House about the Mackay firebug case, because it is a perfect example of how firebugs can expect to be treated when they are caught and dealt with by the law. A 22-year-old man pleaded guilty to lighting a bushfire at the top of Eton range on Sunday, 7 October. Less than one kilometre away, rural fire crews from Eton and Blue Mountain were fighting to control towering bushfires and save grazing property. Smoke from the deliberately lit fire also covered a section of the Peak Downs Highway and caused problems for busy Sunday afternoon traffic. Luckily, a passing truck driver alerted authorities to the blaze and the person who lit it, and the man was arrested at Nebo. He pleaded guilty and was convicted and fined $2,000 in Mackay Magistrates Court.

Queensland law provides for penalties up to $37,500 and five years prison for anyone caught deliberately lighting fires. There is always the danger of someone being injured or killed in these deliberately lit fires, and if that happens the penalties can be even more severe. I assure everyone that Emergency Services personnel and other authorities will be vigilant in catching firebugs during the current bushfire season. These fires can cost millions of dollars in destruction of property, and in grazing areas it can cause the loss of livelihood.

It is not just the loss of property that causes concern. It must be remembered that these fools who light fires can and do endanger lives, not only of property owners but also of fire brigade officers and volunteers. I take this opportunity to again state that anyone caught engaging in these stupid and dangerous activities will face the full extent of the law.

On some positive news, I take this opportunity to personally thank the two auxiliary firefighter crews, under the command of Texas fire captain Ray Williams, who contained a large fire in the town of Texas on Sunday, 18 November. Two auxiliary crews—one from Texas and the other from Inglewood—did remarkably well to stop the fire in a High Street business from spreading along a row of timber shops and buildings. The fire is believed to have started from a lightning strike and quickly burnt through the haberdashery building, a residence and a shed at the rear—an area of about 60 square metres. The buildings were about 75 years old. More than $500,000 worth of damage was caused to the structures alone, not counting loss of stock. Luckily, no-one was injured in the blaze. Without the hard work and sheer determination of these firefighters, the town of Texas could have lost many of its main street buildings. I think everyone would join me in thanking these auxiliary firefighters for an excellent job well done.

Many areas of Queensland are still in tinderbox conditions, even though we have had some rain across Queensland. Our urban firefighters, auxiliary firefighters and rural firefighters continue to do a great job for Queensland.

### Nambour General Hospital

**Mr WELLINGTON:** I thank the Minister for Health for finding the $2 million needed to purchase the new magnetic resonance imaging scanner for the Nambour General Hospital. When does the minister anticipate that the scanner will be installed and fully operational?

**Mrs EDMOND:** I do not have a time line for that. I can say that the one which is part of the project that is being installed at Prince Charles Hospital should be up and running by the very beginning of next year, but I will have to get back to the member with more details on the MRI scanner for Nambour.

### Rural Water Use Efficiency Initiative

**Mr RODGERS:** My question is directed to the Minister for Natural Resources and Minister for Mines. I refer to the Beattie government's $41 million rural water use efficiency initiative that

provides financial assistance for irrigators to access the latest water saving technology, and I ask: does the minister have any plans to extend the rural water use efficiency program and increase the financial value of grants available to individual irrigators?

**Mr ROBERTSON:** Irrigated agriculture contributes about $8 billion to $10 billion a year to the Australian economy. About $2 billion to $3 billion of that comes from Queensland's irrigation sector. Because we live on the driest continent on earth, water is our most precious and finite resource. We need to ensure that industry and individual producers use water more wisely and efficiently to guarantee Queensland gets value out of every drop of water used. That is why last January the Beattie government introduced the Rural Water Use Efficiency Initiative to assist primary producers to access the latest water management technology.

The initiative aims to achieve an increase in Queensland's agricultural production of $280 million by July 2003—equivalent to what would be achieved by supplying an additional 180,000 megalitres of irrigation water a year. We will also create 1,600 new jobs in regional Queensland, improve farm profitability and viability and reduce run-off of pesticides and nutrients into rivers and streams. Phase 1 of the initiative's financial incentives scheme was a great success, with more than 2,000 applications from primary producers for the $3.5 million in available funding.

Last night, at the AGM of the canegrowers in Childers, I was delighted to announce we are extending the program and increasing to $3.85 million the total amount of financial incentive grants available to producers in the sugar, fruit and vegetable, dairy and cotton and grain industries. What we have tried to do with this second phase is tailor the scheme to suit the individual needs of primary producers in each of the four partner industries. That means they will now have access to funding of up to $20,000 per individual to change to more efficient irrigation systems such as centre pivot and trickle irrigation.

Under phase 2 of the scheme, canegrowers can apply for a maximum individual subsidy of $20,000—up from $1,200 under phase 1—payable at a rate of 20 per cent on a minimum outlay of $30,000 on water efficiency measures. Fruit and vegetable growers are eligible for a 75 per cent subsidy on the initial cost—

**Mr SPEAKER:** Order!

**Mr ROBERTSON:** I seek leave to incorporate the remainder of my answer in *Hansard*.

**Mr SPEAKER:** No, you cannot do that, I am sorry. The time for questions has expired.

## MATTERS OF PUBLIC INTEREST

### Public Liability Insurance

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (11.30 a.m.): I have spoken in this parliament before about the serious problem we are facing in Queensland of spiralling insurance premiums. One thing that concerns people in our communities is the cost of public liability insurance, particularly for festivals, carnivals, sports clubs, companies seeking directors' liability insurance and so forth, but particularly for those community organisations.

We are hearing all the time excuses about the collapse of HIH. We are hearing about the 11 September problems and their flow-on effects. But it is time for governments of the day and, particularly here in Queensland, the Queensland government to do something concrete about the problems that are occurring with insurance. If we do not do something, it will mean that all the organisations that we know of in our areas will end up closing down. Nothing will be happening. People will not be game to move or put on an event. We will see the demise of show societies, sports clubs and any other clubs that involve body contact sport, carnivals and festivals that want to hold interesting and exciting events. We really will see the demise of those important organisations that mean so much to our communities.

As I said, I have spoken about this issue before, and I will continue to raise it, because the National Party believes it is time to take action. We believe it is time to take action on government assistance in pooling the strengths of some of these organisations so that their insurance premiums can be limited. We also believe it is time to take action to develop a system whereby there is a capping or a limitation on the amount of some of these insurance premiums and the insurance payouts so that at least it can all be affordable and within the reach of the ordinary, average organisations that all of us represent and strongly believe in.

This problem has the potential to impact heavily on the very social fabric of our communities in Queensland. We need to make sure that we have in place a plan that can support these groups and organisations. We have already made a suggestion in the parliament for the establishment of a community insurance fund underwritten by the state government, perhaps along the lines of the MAIC system that underwrites and supports the compulsory third party insurance system in this state with regard to motor vehicles. This would be a system that could safeguard community events and festivals from blown-out insurance costs.

We have already heard about the establishment of this fund and the third party support it would receive from the Queensland Council of Social Services. That organisation see the merits of such a suggestion. Obviously it is very conscious and aware of the far-reaching social implications of these spiralling insurance costs on committees across Queensland. Even the Labor member for Mulgrave, Mr Pitt, has spoken out in his column in support of this suggestion. He also commented on the sale of Suncorp Metway. That is not affecting this at all. This is all following the sale of Suncorp Metway, which saw in part the commencement of construction of about 120 hospital facilities throughout the state. It has provided capital funding for the construction of facilities and infrastructure throughout the state.

The problem we are facing now is the issue of massive litigation, the issue of massive premiums, the need for a capping of litigation, and the need for control and some balance in our system so that people who suffer injury or problems caused by a particular event or malfunction can be looked after. But it is important that insurance can be within the reach of people and organisations.

I thank the member for Mulgrave for his support. Obviously he has been hearing stories in his electorate about the high premiums and liability costs that are affecting many people. This is one of the biggest issues in our electorates at the moment. We have organisations that are simply going to fold if premiums keep escalating by 50 per cent, 100 per cent and 500 per cent. The ordinary little clubs that try to run junior sports and senior sports will no longer be able to afford the premiums that they are facing because they simply cannot raise that money through continued increases in sponsorship or raffles. However, they are trying to find that money.

The saddest part of this whole scenario is that this issue is affecting non-profit groups which organise community events in their areas—events which a large number of people have come to enjoy. They make the most of what an area has to offer, put much-needed dollars back into the economy, and people probably come back to visit the area the following year.

A report on this situation is due to go to the Premier by the end of this month. It needs to be a comprehensive and detailed document that we believe would back up what the opposition has been saying time and time again: we need the government to step in and take some control, not just work on trying to pool the resources via our suggestion to try to get premiums to a reasonable level but actually address the cause of this problem—the uncapped litigation and the uncapped way in which the fees increase as a result.

We also believe that this report should highlight the vital need for immediate action by the government to establish a community insurance fund, as we have suggested, to help these community events survive while we work towards fixing the actual problem. The government has some responsibility to see that control is placed over the escalating public liability payouts in our courts. This go-for-the-jugular mentality is the root cause of the problem for many of these community groups and associations that we represent.

Insurance companies place the blame for spiralling premiums on the massive amount that insurers are often forced to pay as a result of court judgments. Recently, the annual report of the Building Services Authority detailed an operating deficit of $6.9 million, which it blames directly on gross insurance payments. The BSA's general manager stated in his review that this deficit had flowed on from a $2 million surplus recorded the previous year. He blamed a 53 per cent leap in gross insurance claim payments in just one year. He stated that their response was to take affirmative action to reverse this trend by increasing the BSA's insurance premiums—further evidence of the widespread vicious circle this whole insurance issue is creating. All we ask for is a degree of commonsense.

At the recent National Party state conference delegates expressed a very real concern about the growing rate of litigation, and the resolutions expressed this concern. We voted in resolutions to explore ways to reduce the rate of litigation in our society today and for immediate action to control public liability payouts that are awarded by the courts. This government should take the lead and follow those resolutions from the National Party state conference.

The government should realise the serious problem that exists and do something concrete to try to fix this problem. The government should take some control in this litigious environment to ensure that the people we represent are looked after. This is only commonsense. We need to take on the task of working to find a solution before too many of these community events and sporting clubs become a thing of the past. Unfortunately, for wonderful community events such as the Herberton Tin Festival this has already happened. Public liability insurance jumped 300 per cent, while the actual cover decreased, so the event was cancelled this year.

I am calling on the government to consider our proposal—and to take it seriously—for a community insurance fund for non-profit groups whereby premiums are capped at a reasonable level. Without some sort of government intervention, this situation will continue to have a devastating impact on community events and communities alike, and the very character and appeal of these events will be lost. In fact, they will be almost non-events. People will hardly be able to do anything for fear of something happening and for fear of huge insurance cost hikes.

Many people realise that it is a tremendous loss to lose these events, but they realise that there is little they can do if things do stay on their current path. So it is time for some decisive action—no more reviews or inquiries, just fix the whole system. It is time for us to take steps to alleviate this crisis, particularly in the Year of the Volunteer, on behalf of those volunteers who make many carnivals and sporting events happen.

One of our concerns is that many of the smaller towns, where there are lower populations and lesser ability to raise funds, rely on these special events or one special event per year. This will impact particularly on them and the regions that they serve. Aside from the economic loss there is the social loss. It will affect the community coming together to celebrate. It will affect the sporting enthusiasts who come together for their local sporting events.

It will affect particularly junior sports teams and the development of young people in being able to participate, to be coached, to take part in higher levels of sport and to have a good healthy lifestyle that keeps them off the street, keeps them active and keeps them away from the problem of drugs. This is driven by volunteers and local clubs, and that will be affected if something is not done immediately to stop the price hike of these premiums and to stop the public liability costs spiralling out of control as they have done. On behalf of the National Party, I strongly recommend to this parliament that we immediately take some action to fix this problem.

## 42 Landing Craft Company

**Mr ENGLISH** (Redlands—ALP) (11.40 a.m.): On Saturday, 24 November, along with the member for Cleveland and the member for Capalaba I had the privilege of attending the unveiling of a plaque at Pioneer Park, Coochiemudlo Island, dedicated to 42 Landing Craft Company. Following the tragic attack on Pearl Harbour on 7 December 1941, the forces of the Japanese Imperial Army swept down through the south-west Pacific. Australian troops were brought back from the Middle East to help defend our nation. It was realised at this time that there was a gap in our military forces. Australia had a significant blue water Navy and a very good Army, but it had no ability to operate in-shore and land troops from the sea. The ability to do so was a necessary part of the ongoing campaign in the Pacific theatre.

This gap was filled very, very well. Landing craft were built in the Brisbane River and floated around to Victoria Point. The troops to man those craft were then selected, quite ironically, from the Army. They had no boating skills and were drawn from elements of the commando units, mounted units and artillery units. Members of the Army volunteered to man those craft. Given the fact that they had no maritime experience, that would have been quite a challenge.

As I said, the craft were built in the Brisbane River, floated around to Victoria Point and then out to Coochiemudlo Island, where both 42 Landing Craft Company and 43 Landing Craft Company were based. A collection of ragtag personnel were thrown together; they had to change corps, coming under the Engineer Corps. They were thrown together to begin to learn the new craft of handling those ships. They had a not-quite-idyllic existence on Coochiemudlo Island. Anyone who has been there can attest to its beauty, but they had to learn to handle those craft in and around Moreton Bay. Apart from having to learn seamanship, they also had to learn navigation and the signalling skills required to operate those craft.

After practising in and around Moreton Bay and Coochiemudlo Island, they put their skills to the test in the Pacific theatre. On 8 June 1945, Operation Porton took place. Craft from the 42 Landing Craft Company landed troops at Porton Plantation in northern Bougainville. Due to heavy

enemy fire, the troops who were landed could not gain a significant foothold on the beach. To save the life of the company on the beach a quite risky decision was made to perform a daylight rescue.

On the afternoon of 9 June, 42 Landing Craft company, again under heavy enemy attack, went in and proceeded to rescue many of the 31/51 battalion who were trapped on the beach under heavy Japanese fire. On that day 42 Landing Craft Company had five people killed in action and a total of eight wounded, a total of 50 per cent of the men at that time. That action certainly highlighted 42 Landing Craft Company to the Australian military; it reinforces the best traditions of the Australian Defence Forces around the world. The story of that action and many others is told in a book I have, *Sailors in Slouch Hats*. I can certainly recommend it as a good read.

On Saturday, 24 November, we were privileged to have seven surviving members of 42 Landing Craft Company present at the dedication ceremony. They were Wally Rice, Bill Best, Ron Kelly, Rawson Kelly, David Goode, Norm Bool and Sam Smith. I, along with everyone else who was there that day, felt honoured that they made the effort to attend the dedication ceremony. I think it is important that we all remember the debt we owe those proud and brave people.

## Channel 10 News, Cairns

**Ms BOYLE** (Cairns—ALP) (11.45 a.m.): In Cairns last week, we heard the sudden and shocking news that Channel 10's local television news had been axed. In fact, the staff of Channel 10 were informed at around 10.30 on Wednesday of last week that Friday night's news would be their last. After over 20 years of local news in Cairns, this was to be the end, so the relatively new owners of Channel 10, Southern Cross Broadcasting, informed the staff. Then at around 4.30 p.m. on that same day they called the staff to say, 'We have changed our minds. Tonight will be the last local news.' There was not even a chance to put together a goodbye program.

It is an act of private sector bastardry and that is exactly what it should be termed, and it is important that not only people in Cairns and across far-north Queensland express their absolute rejection of this kind of profiteering by the private sector but that others around Queensland do so as well. It is not only Cairns and the far north that has lost its local news, but other regional centres in Queensland and also, I am told, Darwin in the Northern Territory.

What does this mean for Cairns? First up, it means the loss of 12 jobs and that affects not only those 12 people but also their families. It threatens us in terms of keeping their important skills in a community such as Cairns. It is a slap in the face for all of the present staff who have worked so hard to provide a quality service—Jamie Rule, Danae Jones, David Thompson, Michelle Carey and others in front of the camera and behind the camera and in the studio. There are also others from years past who have brought us the news across the broader area of far-north Queensland.

The loss is also about a loss of local communications in a region that is huge. From Cairns to the tip of Cape York is 1,000 kilometres. We need that news, as it were, from the Torres Strait, Cape York, Cairns and the tablelands for regional cohesion and, of course, many of the stories that come out of the far north are national stories that people in Sydney, Melbourne and Brisbane should know about. This loss is also about the importance of communications as essential infrastructure. It is not just a matter of a private sector product to be sold, to be axed according to private sector profits. It is about essential infrastructure communications right across the northern half of our country.

I was for a time chair of the Northern Australia Development Council and I know that in communities from Kalgoorlie to Cairns right across the top half of our country—in particular, Exmouth and Darwin—and through to Queensland, whether it is road or rail or air communications or communications via television and radio, they are essential to the survival of communities in the north. Of course, this is a matter for the newly re-elected federal government. What has it done? Very little so far! Senator Alston, the responsible minister, is upset. I say to Senator Alston that that is not enough; we want more. Millions of our taxpayers' dollars have been paid to this company, supposedly on an agreement that would ensure that there was no roll back of services, no diminution of services to regional areas in the switch from analogue to digital. I think that Senator Alston should have a letter of demand for those millions of dollars on the desk of the chief executive officer of Southern Cross Broadcasting. That might make it think.

In the meantime, Cairns is not taking this news lying down. There will be a rally tomorrow. Although hundreds will be there, I am sorry that I cannot join them, as I am sure is the member for Mulgrave, Warren Pitt, and the member for Barron River, Lesley Clark. We are trying an advertising boycott—maybe that will hit the pockets of this company and make it realise—a listening boycott and, if we can, we will affect the price of their shares. This is a matter that not only members in regional areas should take up but I ask all members of this House to take up. If we do not have communications right across the length and breadth of far-north Queensland, if we do not have the essential service provided by local news, then we have no hope of keeping regional and remote communities alive. I ask members to please make their presence felt at all levels to Southern Cross Broadcasting for this dreadful act of profiteering at the expense of our country.

## Lockyer Catchment Centre

**Mr FLYNN** (Lockyer—ONP) (11.50 a.m.): Residents of the Lockyer are fortunate to enjoy the ongoing benefits of the previous, present and hopefully future work done by members of the Lockyer Catchment Association. This association researches, develops and practices good management of the river and creek catchments in their area and natural resources in Queensland. Although the association has no regulatory or legislative powers, somehow it manages by the careful consideration of community concerns when recommending management actions that cover land, water, biodiversity, understanding and participation, and the integrated planning and coordinated management of our natural resources lest they be damaged, wasted or destroyed, to ensure the enthusiastic embracing of their recommendations by not only the farming community but also by industrial and residential users.

The association provides a service to our part of Queensland that would be difficult for a government department to cover. Therefore, recently it was quite appropriate for a government minister, in this case the Minister for Local Government and Planning, to attend the association's centre at Forest Hill in my electorate to officially launch its land use planning handbook, which is a guide for use by land-holders, government agencies and the community. I noted the minister's kind remarks on the effectiveness of the association, its value to the community and the high quality of the content and presentation of the handbook. The Lockyer Valley and the catchment association thank the minister and the government for its recognition of this association's valuable work. I seek leave to table a copy of this handbook on behalf of the Lockyer Catchment Association.

Leave granted.

**Mr FLYNN:** A perusal of this handbook reveals the depth of management practice staggering in its present and potential effect upon the land we live in. It examines six land systems within the Lockyer demonstrating land uses to be encouraged or discouraged in each case, together with the methodology employed in arriving at such recommendations. I borrow from the handbook in describing the catchment in the following way. The Lockyer Valley is situated in south-east Queensland and forms a quarter of the Brisbane River catchment. It covers approximately 295,400 hectares, located an hour's drive west of Brisbane between the regional cities of Ipswich and Toowoomba. Approximately half the original native vegetation remains, while the other half is cleared for agriculture. The Lockyer catchment hosts a major vegetable growing industry, being a major supplier of such food with significant markets both interstate and overseas. This industry represents a large slice of the catchment's economic base. The catchment also supports an expanding and ever-growing fruit industry.

Because of the association's work, land users in the Lockyer have been able to adopt more effective and environmentally aware management practices. However, the association's work cannot stop. Its work is ongoing and reflects recent growth in rural residential-style developments. This type of development also is increasing in the Laidley Shire. In previous years, it has been one of the fastest growing areas in the region. With the now continually changing levels and types of developments, it is crucial that the association's work not be allowed to stagnate and, therefore, fail to keep up with the requirements to adapt land use management to current practices and knowledge.

I wish to inform the House that by March 2002, the centre will be compelled to cease most of its research. Effectively, it will close its operations at that time. Part of the cause of this is an effective 50 per cent reduction in funding by the federal government. However, there are funding

applications under way, together with offers of arranging bridging finance coordinated by the Department of Natural Resources.

I appeal to the government to recognise the economic value of this association and the need for its continued work to ensure continuity in forward planning and the economic and environmental future of the Lockyer. To this end, I extend an invitation to the Minister for Natural Resources and Minister for Mines to visit the centre at Forest Hill as a matter of some urgency to permit workers the opportunity of demonstrating first-hand the need for the state government's assistance in preserving and continuing the benefit of the centre's work. The association and I are not necessarily asking the government for money—although that would be appreciated—but at least a chance to discuss first-hand the serious and immediate options.

## Public Housing

**Ms STRUTHERS** (Algester—ALP) (11.55 a.m.): Two recent events have had a devastating impact on our Queensland and Australian communities: when the captain of the Norwegian ship the *Tampa* obeyed the humane law of the high seas and rescued a boatload of refugees and set sail for Australian shores, and when the terrorists hijacked three passenger airlines on a mission to instil fear in our global community. The two events began poles apart. One was a humane gesture by the Norwegian captain; the other was the most brutal act of inhumanity. The two soon became manipulated by a federal government desperate to save its hide. Once manipulated and locked together in the public eye, these events fuelled feelings of immense fear and insecurity.

I know that some people fear that terrorists may strike Queensland and our Australian shores. I know that some people fear that terrorists may be harbouring as refugees to enter our borders. I know that some people believe that refugees may become a burden on our fragile economy, taking jobs away from our citizens. I know that many people cannot keep a secure roof over their own heads and fear that we cannot afford to house refugees. Instead of easing these fears, instead of focusing on policies to improve job security, health, education and housing, the Howard government cruelly fuelled these fears. Instead of bridging the divide to bring Australians together as a caring community behind the asylum seekers, Howard drove the wedge further in.

Today I want to focus on housing. The need for a national housing plan did not register on the federal election radar at all. Anthony Albanese, as former Parliamentary Secretary for Housing, made a courageous attempt to promote Labor's plan for affordable housing, but it had little chance of surfacing in the wake of the federal government fuelled *Tampa* crisis. Today, I am calling on the Howard government to leave the shame of their election strategy behind them and get on with the job of providing jobs and affordable housing for all Australians.

Local people in my electorate of Algester have benefited greatly from the state government's social and community housing programs. We have comfortable, well designed, new and affordable seniors units in a number of suburbs, including Acacia Ridge. As the minister mentioned this morning, we have the smart housing design in Parkinson, a new area in my electorate that the minister launched last week. All of these things are great initiatives but, sadly, the impact of the GST on the Commonwealth-State Housing Agreement, the impact on the Queensland housing program alone, has been a loss of around $60 million a year. There is more available land at Acacia Ridge—plenty of vacant sites, plenty of old buildings that need renovating, plenty of land to build new seniors units that are much needed, and new housing for families. But there is no additional money coming forth from the Commonwealth government through the Commonwealth-State Housing Agreement.

Anthony Albanese, in launching Labor's plan for affordable housing, put on the record that currently there are about 210,000 households on public housing waiting lists nationally. Many having been waiting for more than five years. The Australian Bureau of Statistics has found that more than 100,000 Australians, including 17,000 children, sleep every night without a roof of their own over their own heads. Anthony Albanese promoted a national housing alliance between the Commonwealth, state and territory governments, heralding a new era of national cooperation on housing issues. What did the federal government do? Ignored it! In fact, it made a mockery of this. Amanda Vanstone, in a speech at the national housing conference, which she videotaped and sent—she did not front up because she knew that she had nothing really of substance to provide—criticised Labor's plan for affordable housing. We put it on the agenda. We tried to get it up. Sadly, other events took over.

National Shelter, a non-government organisation that has been lobbying for many years—putting in tireless efforts to improve access to public housing and affordable housing in

Queensland and across Australia—also sought to get housing on the national agenda during the federal election with some very comprehensive plans, including a housing assistance policy that will address the housing needs of low-income earners. It will not only require the maintenance of the present level of social housing; it will look at areas of unmet need and more capital investment in housing. In fact, Roksana Khan in her media release stated that the supply side initiatives like increased rent assistance are not enough by themselves to meet housing needs. She stated further—

We need capital investment targeted to boost a range of housing options and have job creation in mind.

That is what we need.

## Mental Health System

**Miss SIMPSON** (Maroochydore—NPA) (12.00 p.m.): The opposition shares the concern of the Health Minister at the unconfirmed reports of a plane crash that has apparently killed Queensland Health staff. This appears to be a terrible tragedy and we join with the parliament in expressing our condolences and heartfelt sorrow.

I wish to address an issue of grave public concern relating to the operation of the mental health system in Queensland. There are few things more tragic than listening to families of murder victims speak of their agony when they find that the killers of their children are walking free after only a few months or a few years. It is heart wrenching when we see their palpable fear when they have no right to know where the offenders are or whether the offender, who is a mental health forensic patient, has escaped.

Today, we read the media reports that Claude John Gabriel, the man who three years ago viciously murdered 17-year-old Gold Coast woman Janaya Clarke, has absconded from Queensland to Victoria. The new laws which have the power to see him returned have not been proclaimed 18 months after they were introduced and brought into operation under this Health Minister, and they are not likely to be proclaimed until February 2002—nearly two years after they were passed. The Health Minister has blamed the training and sourcing of staff, but we now find out that there are far more serious issues that relate to political interference by the Premier and his obsession with his media image getting in the way of good government.

An obsession with controlling the government's media image with pro-Beattie sympathisers is the reason behind a delay in enacting new mental health laws. The position for a Mental Health Court president has been advertised, applicants short-listed and recommendations made, only to be rejected by the Premier and his advisers after an electronic check on the applicants revealed whether they had ever made a comment about him or previous Labor governments. There were two suitable short-listed candidates but apparently they failed Premier Beattie's secret check list, which has nothing to do with their suitability but everything to do with the Premier's fanatical control of his image behind his smiling facade.

The Health Minister, Wendy Edmond, needs to explain why she has allowed this interference and what she is going to do to resolve an unsatisfactory delay in seeing these new laws come into place—an unsatisfactory delay that is affecting the optimum treatment of the mentally ill. Peggy Brown, who is the head of mental health in Queensland, implied that the Victorian laws currently before that state's parliament are going to fix this cross-border extradition situation. But that is not the case. The Victorian laws that are currently before that state's parliament relate to getting Victorian patients from other states. Queensland has passed laws to do this. They have just not been proclaimed. The other thing that Queensland has not done under this government has been to set in place the negotiations and an agreement with the other states to ensure that when the laws are proclaimed there is the ability to get patients back to their rightful state.

However, there are other issues that I must highlight in light of recent news about serial absconder Claude John Gabriel. Under Queensland's new Mental Health Act—even if it were in operation—Janaya Clarke's family would not have had to be notified if her killer had absconded. I understand that the media notified the family, which unfortunately seems to be par for the course because the Health Department is reluctant to inform victims. Last year, the National Party, as part of the coalition opposition, voted to fix this situation by giving the victims of mentally ill offenders the right to be notified if a mentally ill offender escaped from statutory treatment. However, the Labor Party and Wendy Edmond used their numbers in this House to vote against that amendment.

The notification provisions of the new Mental Health Act do not come close to mirroring the provisions available to the victims of offenders who have proceeded through the normal criminal justice system—provisions that give those victims far more rights. This discrimination is unjust, and it is unfathomable why Minister Wendy Edmond and her Labor colleagues voted against our amendments to fix this last year. There are two classes of victims in this state.

I want to get the rest of the facts clearly on the public record. Labor members also voted against National Party moves to give the Mental Health Court the power to set minimum detention times in a secure treatment facility for serious mental health offenders. This would have given the judiciary the power to ensure that the likes of Claude Gabriel were not walking out of secure treatment facilities into the community within a matter of months or a few years. Labor members also voted against measures to ensure that classified patients charged with or convicted of indictable offences or forensic patients be accompanied by Health Department personnel while on leave.

The long-awaited Mental Health Act 2000 had the opportunity to get the injustices and inadequacies right and it failed, and attempts to fix the anomalies were voted down by Labor members during the debate. There are too many Queensland families living without justice who are treated like nuisances by the Health Department because they are the victims and not the mental health offenders.

## Gold Coast Business Excellence Awards

**Mr LAWLOR** (Southport—ALP) (12.05 p.m.): I would like to draw to the attention of the House the outstanding success of the Gold Coast Business Excellence Awards, which culminated last week with a spectacular ceremony at Conrad Jupiters attended by some 600 guests. For the past six months, over 130 businesses from Beenleigh to Coolangatta have been vying for both category honours and for the supreme mantle of 2001 Gold Coast Business of the Year.

The 2001 Gold Coast Business Excellence Awards underpin the success that is currently and consistently being achieved on the Gold Coast. As one of the fastest-growing regions in Australia—and the sixth-largest city in Australia—the Gold Coast offers a diverse range of business opportunities from small family concerns to large companies supplying their products and services on both the domestic and international markets. The Gold Coast Business Excellence Awards provide a prestige platform for recognising the valuable contribution made by individual organisations in the region. They focus on achievement. As such, this recognition serves to encourage and support local success, which in turn helps to attract similar enterprises to the Gold Coast.

This year's supreme award, presented by the Minister for State Development, Tom Barton, went to Pro-ma Systems—a more than deserving winner and a true Queensland success story. The company was established on the Gold Coast in 1983 by husband and wife team Val and Sandra Fittler. With a few planks of wood for desks, their vision for providing a long-term business for themselves and other Australian families has now expanded into 14 different countries. In offering an extensive range of products, Pro-Ma Systems is now one of Australia's most recognisable cosmetic companies. Members of the House visiting the Gold Coast could not help but notice their new headquarters on the Pacific Motorway at Gaven. It is an impressive looking building and, dare I say, a far cry from their humble beginnings.

Other category winners on the evening included Yeoman's Plow Company for the Innovation category, for their work on developing sustainable energy options; Goldsteins Bakeries, for the Retail, Wholesale and Distribution category; John Goss Electrical, for the Trades, Professions and Services category; Jacaru Australia, for the Manufacturing and Construction category; and an organisation close to my own heart, the Gold Coast Turf Club, for the Tourism, Hospitality and Recreation category.

There were also a number of special awards presented, including the Prime Television Community Award that is presented to a business that has demonstrated exemplary community spirit. This was won by the Gold Coast Radio Centre for its efforts in raising over $250,000 for local charities through various on-air promotions over the past year. In 2001, for the very first time, an annual IT Award was also presented. This award was made possible by the support of the Gold Coast City Council, the Gold Coast Regional IT Forum and the Information Industries Bureau and was won by Golden Orb Technologies Pty Ltd—a Burleigh Heads-based Internet services provider.

From my own observations, all the winners shared one striking similarity: they are all headed by people with a true vision for their businesses and their city and they openly share that vision with their employees. Look closely at all the winners and I guarantee one will find a supportive management structure in place and a harmonious workplace culture.

I take a moment to pay tribute to Mr Ian Cousins who has done a tremendous job as president of the awards for the past four years of its six-year existence. Ian gives a large amount of time to business, charity and community development through his chairmanship of a number of committees and he certainly deserves our thanks for an outstanding job. His awards committee deserves congratulations, too, on their achievement of growing the awards so swiftly and effectively that they have already become the model for similar schemes throughout the state. I must also recognise the Department of State Development for its continued support of the Gold Coast Business Excellence Awards and the vital role of Gold Coast manager, Dr Tracey Gilmore, who, since inception, has been both a committee person and a judge.

The Gold Coast Business Excellence Awards charter seeks to improve the outside perception of Gold Coast business whilst contributing to the self-image of local business and fostering pride. It recognises leading businesses with a view to encouraging others to improve. From my own exposure to the awards this year, I can personally vouch for the fact that these aims have been well and truly realised and I wish them well for another successful event in 2002.

## Kilcoy Pastoral Company

**Mrs PRATT** (Nanango—Ind) (12.10 p.m.): The minister for State Development issued a press release on 8 August this year entitled "State Government grant saves Kilcoy jobs". It stated that the Kilcoy Pastoral Company could now move forward with a new beef packing facility that could help it retain jobs in Kilcoy thanks to a $163,200 government grant under the Queensland Meat Processing Development Initiative.

The company had plans to use the funding to kick-start its value-added trace-back enhanced packing facility. The project would have enhanced traceability of packaged meat, reduced packaging rework and waste and, most importantly, provided job security for boning and packaging employees.

The Kilcoy abattoir was in danger of becoming uncompetitive if management could not implement a new enterprise agreement. According to management, independent consultants were brought in to assess the abattoir's viability. Management was told that several changes would have to be implemented in order to allow the meatworks to continue. The fact is that the Kilcoy Pastoral Company did not receive one cent of the QMPDI funding and 82 per cent of employees voted against the EBA. Kilcoy Pastoral Company has now closed its doors.

The Northern Sub-Regional Organisation of Councils considers the immediate impact of the KPC closure as comparable to a natural disaster, one which may have an even more long-term impact on the community. The 340 workers stood down represent 40 per cent of the total workforce of the Kilcoy shire. The closure of KPC will impact on the viability of most businesses, creating a domino effect on the entire community's economy, and will undermine the social structure as well. The impact will not be restricted to Kilcoy alone as workers travel from other smaller towns, including Yarraman, and further afield. Animals come from a wide pastoral catchment of regional Queensland.

The closure of KPC was a commercial decision of management and one that the state government cannot simply reverse. An environment to encourage the reopening of KPC is essential. Government needs to assist the Kilcoy community in surviving any impact that a permanent closure would have.

NORSROC offered suggestions in its letter to the Premier. These included, in the short term, the creation of jobs to provide alternative employment for periods of up to 12 months. It was suggested that the government make arrangements with the Department of Main Roads to undertake additional projects to employ day labour through the Kilcoy Shire Council to enable employment for up to 12 months. There was the suggestion of the construction of a 'whole of life' learning centre on a greenfield site using local builders and labour. In the long term, the government could award additional 'high care' places at Aloaka Lodge to generate additional employment and encourage residents to remain in the community. It was suggested that the proposed 'whole of life' learning centre be operated as a school of excellence in order to attract overseas, interstate and intrastate students as boarders. It was also suggested that the

government develop a silviculture industry in both state and private forestry enterprises. These may not be the ultimate solutions but they are worth consideration. What is happening in the Kilcoy community because of the closure of the Kilcoy Pastoral Company is a microcosm of what is happening in other rural communities across Queensland.

At the public meeting on Friday morning there was an indication that many employees wished to have another vote on the EBA. Many people I spoke to had not even read the EBA and had voted on union instruction. There is no doubt that staff and management have worked hard together over the years to ensure that the works have remained viable. The collapse of the enterprise bargaining talks would have been a major contributing factor to the final closing of the doors.

I am advised that following such discussions and many meetings, including the public meeting, 75 per cent of the workforce have now signed a petition seeking to be allowed a fresh vote on the enterprise agreement. I understand that if a new vote were taken—possibly on 12 December—and it resulted in 70 per cent of workers being in favour of the agreement, the company may give serious consideration to reopening the works on 2 January 2002.

Kilcoy has been inflicted with what can only be described as a mortal wound. It is akin to the severing of a jugular vein. The community is asking for assistance. Will this government apply a pressure bandage or turn its back? The government is being seen in Kilcoy at this time as a government that is concerned solely with foreign entities. It is seen as turning its back on Australian industry and workers.

If KPC were to close permanently and no assistance was forthcoming to offset this disastrous economic impact, Kilcoy Shire Council envisages many things happening. Unemployed KPC employees will lead to a probable reduction in funds available to be spent in Kilcoy. Local businesses not directly contracted to KPC but which are dependent on trade from KPC employees will lay off staff. With a lack of revenue, local businesses will begin to close. People of working age will begin to leave town to find alternative employment. Increasing numbers of properties will be put on the market, leading to a rapid decline in prices due to lack of demand. As people of working age leave the area, services such as medical, school, police, et cetera, will be affected and will potentially decline.

The closure of KPC, leaving the 340 employees with no alternative source of employment and the estimated other 100-plus jobs dependent upon KPC—

Time expired.

## Springwood Volunteers

**Ms STONE** (Springwood—ALP) (12.15 p.m.): Sunday, 4 November was a very special day. Approximately 200 people gathered to recognise and celebrate their support of the work done by volunteers in the Springwood and Logan districts. It was with great pleasure that I held a function at the Shailer Park State High School in recognition of these fantastic people. At the function I presented over 100 certificates and 20 medallions for outstanding voluntary service and was joined by Brian Kerle in presenting 10 sports medals and the 6,000th Thanks Coach, Thanks Ref award.

When I originally called for nominations I had no idea what response I would receive. Most people who volunteer do so because they want to. They do it because they love to do it. They do it because they have a passion for what they are doing. The response was overwhelming. To date, my office has printed 1,050 certificates. That is 1,050 people in the community who have had their hard work recognised. I would particularly like to thank my staff for their role in organising these certificates. They have done an outstanding job.

So what do these people do? They come from all walks of life. Some are able-bodied people and some are disabled. Some are old and some are quite young. They all have one thing in common: they all contribute enormously to the community. When I first wrote to many organisations in the community asking them to acknowledge their volunteers, I gave them the choice of presenting the certificates at their own functions or at my function. It was very pleasing to see the number of organisations that had already decided to celebrate the International Year of the Volunteer, and my offer of certificates and medallions was an added bonus to their people.

To date, I have attended many functions around the electorate and presented certificates and badges. Some include: Springwood State High School, and many thanks must go to the principal, Brett Webster, and the staff for organising a special morning tea for parents and friends

who give up their valuable time for the school community; Burremah Respite Service and Bluecare, who said thank you to their volunteers at a lovely service at the Logan Uniting Church; and the Rochedale/Springwood Lions Club, who celebrated all their hard work with a dinner at the Lions Den.

Springwood Little Athletics did not stop the events for long and made sure the kids were running, jumping and developing into future champions the day they received their certificates. Kimberley Park State School has over 250 volunteers. It was with great pleasure that I presented every classroom and other areas of the school with certificates. The number of volunteers at the school certainly reflects how Kimberley Park State School has an open-door policy and is consistently showing its appreciation to volunteers and staff. Logan East Neighbourhood Community Centre chose its annual general meeting to say thank you to its volunteers. This group does so much for the people of Springwood—all with the aid of volunteers. Calvary Christian College hosted a morning tea to say thank you to volunteers in the school community.

I still have a number of functions to attend to say thank you to the volunteers in our community, and I look forward to attending those functions very much. Volunteers came from a number of community-based organisations for my function at Shailer Park. They included the Logan Hospital Auxiliary, the Buddha's Light International Association, the Daisy Hill-Loganholme Lions Club, the Logan East Community Neighbourhood Association, the Rochedale-Springwood Lions Club, the Calvary Christian College, the Logan City Historical Society, Logan Community Care, Radio FM 101 and Springwood Little Athletics, just to name a few. I must make mention of the over 50 Buddha's Light International Association members who attended the function. It was great for these people to be recognised and it also gave them an opportunity to promote their culture and beliefs to others in our community. I know many people left the function knowing more about this wonderful group of people and the fine temple at Rochedale South.

As there were over 30 nominations for the outstanding volunteer medals, I called on members of the community to make the hard decisions. I thank Senior Sergeant Brett Munn of the Slacks Creek Police Station and Mr David Brennan of the Logan office of the Department of Employment and Training for their assistance. Both agreed that the nominees were of an exceptional standard. They were able to meet the nominees on the day at the function. I also thank Brett and David for their assistance on the day by announcing the certificate and medallion winners. I particularly thank the members of the Shailer Park State High School P&C who assisted with the provision of refreshments. Thanks must also go to the principal, John Corbett, for the use of the school hall and facilities. John also provided valuable assistance by announcing some of the certificate nominees.

I also take this opportunity to say thank you to my electorate officer, Jenny Roberts, who organised this event, and Jenny Atkinson from my office, who spent endless hours baking for this function. The biggest thanks must go to all those volunteers for their tireless and selfless dedication in their contribution to the community.

## BoysTown

**Hon. K. R. LINGARD** (Beaudesert—NPA) (12.20 p.m.): It will be sad to see the closure of BoysTown at Beaudesert in a few days from now. Over the past 40 years the De La Salle Brothers have proudly and humbly provided a home to some 2,000 boys and young men at BoysTown at Beaudesert. BoysTown was an innovative and sorely needed refuge for boys in need. For some, it was a last resort before being placed in detention. It was not only for boys but also for girls, because Logan House provided exactly the same facility for half a dozen young girls who found themselves in the same sort of trouble. BoysTown provided an opportunity for a new beginning and changed ways. It offered an alternative and different choices. It provided safety, compassion, education, understanding and, most importantly, rehabilitation. Of course, it was that rehabilitation which put it offside with many bureaucrats. They saw it as a long-term program as opposed to the programs offered at places like Wilson Home.

Students at BoysTown could receive an education for two or three years with dormitory facilities with live-in parents as well as undertake activities such as looking after animals and riding motorbikes. To me, BoysTown was a typical example of a concept of what we can do with these young people—that is, to use an analogy, do we provide a fence at the top of the cliff or provide an ambulance at the bottom of the cliff? There is no doubt that BoysTown represented a fence at the top of the cliff rather than just being a program picking up young people after they have made

mistakes. BoysTown also involved programs like Link-Up at Glugor House, Kids Help Line and a program in India to provide similar assistance there.

There have always been bureaucrats who have been determined to deinstitutionalise many of the programs at places such as BoysTown and replace them with programs for only 10 boys in so-called mini-institutions. The same thing happened at Petford in Cairns. Unfortunately, reviews showed that some students had misbehaved whilst undertaking the program and whilst in the community. Maybe there were allegations of abuse, but none of those allegations were ever proved. What happened? Those people in the Department of Families who are determined to close down such institutions said that they would not send the people processed through the Department of Families to such institutions.

That is clearly what happened at Petford and clearly what happened at BoysTown, because previously advisers of the Department of Families went to the various Magistrates Courts and recommended that the young people be sent to places like BoysTown and Petford. When the department does not send these young people to such places, a situation arises, as happened at BoysTown, where there are only 15 or 16 students. It was quite obvious that the De La Salle Brothers—and when we were in power they had 84 students—found the programs unviable. It was impossible to run those programs. We now find that the De La Salle Brothers want out and the Department of Families wants out.

However, this has led to the most ridiculous situation in which the administrator, Lindsay Wagner, who had been appointed to look after BoysTown and who was always determined to change the concept of BoysTown to the extent that the whole program has now broken down, has been given nearly $2 million—the money that was originally provided to BoysTown—to run programs in the northern part of the Logan shire. I am led to believe that he will use a brokerage service for a program called Life Without Barriers and he will be the CEO. As a result, many individual programs will be set up in residential areas of the northern part of Beaudesert shire and Logan shire. Last week in the local papers there were applications for a program to be set up in a residential area in Logan for 10 wayward youths. No doubt there will be criticism from the community. Those people from the Department of Families who have been so determined to break down institutions such as Petford in Cairns and BoysTown in Beaudesert are now determined to set up many smaller institutions.

Time expired.

## Alcohol Abuse, Townsville

**Ms NELSON-CARR** (Mundingburra—ALP) (12.25 p.m.): Public drunkenness and unacceptable behaviour amongst park people in Townsville is once again attracting media and community attention. Unfortunately, this issue has been around a long time and the problem remains the same. But Townsville is just one example of the escalating problem that towns associated with alcohol abuse continue to face. The Boni Robinson report and the more recent highly publicised Fitzgerald report have spoken the truth about social and economic disadvantage in indigenous communities—communities which are held to ransom by alcohol abuse.

It is time that many of the difficult questions relating to the Aboriginal world were freely and frankly discussed. As Noel Pearson correctly stated, the real fight today for Aboriginal people is not for international covenants and treaties but the right to live. It is about the right of Aboriginal women and children in communities to have a life that is not disrupted every minute of the day by dribbling, staggering, incomprehensible drunk men and women drinking themselves to death. These same drunks, through their often violent behaviour, make the innocent in the community further victims because they take out their frustrations on them through these acts of violence.

This is why Peter Beattie has indicated that his government has lost patience with policies and programs which fail to control alcoholism and violence. It is time that proper solutions were devised by consultation with all stakeholders. I applaud our government's response to Tony Fitzgerald's inquiry into substance abuse in Cape York communities. I applaud Boni Robertson and her 50-strong team of women who last year released a comprehensive report on the problems of indigenous alcoholism and domestic violence. This report was a courageous effort and, together with the Fitzgerald report, the recommendations will give government the tools to make the necessary reforms. The women and children who are the victims of violence, abuse and neglect have had no voice. They are passive victims who have slipped into the cloak of alcoholism. Hopefully, the Fitzgerald inquiry will be able to rid these communities of many of the criminal perpetrators who hold such sway over the lives of innocent people.

But let me get to my most important message today—the message of alcoholism. I believe this is the single most important point and one that is so misunderstood. Alcoholics cannot normalise or control their drinking. They must rehabilitate and they must abstain. Alcoholics cannot drink smart or drink safe. Harm minimisation does not work with alcoholics. We as a community have constantly refused to accept this basic premise. All of our available resources go into the results of the alcohol problem, but how can these people who are struggling with violence, social disorder, monopolisation of resources and stresses associated with alcohol and drug abuse think about dealing with smoking, exercise and diet, to name just a few? They cannot. We have to get on top of the alcohol problem first.

Townsville, like other communities, has alcohol problems. Our parkies, as they are called, are alcoholics. Shifting them to another place out of sight will only appease some white people and only for a short time. The park people have the freedom to come and go as they please. If they wanted to stay in this other place—or any other place—they would be there now. They live to drink, and they will go wherever it takes to get it. The hand wringers and the civil libertarians have done nothing to help these poor wretches. Saying that an alcoholic has the right to drink means that they also have the right to abuse, deface, defile and kill. This is about liberty gone mad. We need the will, the resolve, the commitment and the partnerships to stop the abuse and to protect our children. This is about tough love and taking a firm hand. These people must be taken away from the alcohol. Of course the wider social causes must be addressed, but before we can address these we must remove the people whose mental, physical and emotional wellbeing is such that while intoxicated they continue to abuse the innocent and perpetuate a deadly cycle. Moving these pathetic souls to another place surely cannot be the best we can do because, apart from a short-term interim measure, it will not work.

I would like to quote Professor Ross Fitzgerald, who recently spoke of a recent landmark study done by Professor George Vaillant, who demonstrated that there is now compelling long-term evidence that, for alcoholics and those addicted to other drugs, moderation and so-called controlled usage does not work. He states—

As he puts it, 'despite its prominence 15-20 years ago, training alcohol-dependent individuals to achieve a stable return to controlled drinking is a mirage. Hopeful initial reports have not led to replication.'

Vaillant's long-term follow-up studies of alcohol abusers show that while five to six years of abstinence is adequate to predict a stable future, return to controlled drinking is a much less stable state. After abstinence has been maintained for five years, relapse is rare. In contrast, return to controlled drinking without eventual relapse is unlikely. The findings of Vaillant's longitudinal studies have been reinforced by Project MATCH—an eight-year, multi-site analysis of how 1726 patients with alcohol problems responded to different treatment approaches.

A notable conclusion from this intensive long-term study is the superior success rate of Twelve-Step Facilitation Therapy compared with cognitive-behavioural intervention with patients who exhibit more severe alcohol dependence. Unlike those inmates—

Time expired.

**Madam DEPUTY SPEAKER** (Ms Liddy Clark): Order! The time for Matters of Public Interest has expired.

## CLONING OF HUMANS (PROHIBITION) BILL

**Hon. W. M. EDMOND** (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (12.30 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to prohibit human cloning.

Motion agreed to.

### First Reading

Bill and explanatory notes presented and bill, on motion of Mrs Edmond, read a first time.

### Second Reading

**Hon. W. M. EDMOND** (Mount Coot-tha—ALP) (Minister for Health and Minister Assisting the Premier on Women's Policy) (12.31 p.m.): I move—

That the bill be now read a second time.

I am pleased to bring this bill to the House to implement the government's commitment to prohibit human reproductive cloning. Human reproductive cloning involves the creation of a human being

who is the copy of another human, whether or not that other human is living. Human reproductive cloning is generally considered by the community to be unacceptable. The practice has been widely condemned as unethical and unacceptable by international and national bodies.

The United Nations Educational Scientific and Cultural Organisation (UNESCO) Declaration on the Human Genome and Human Rights states (at Article 11)—

Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted.

The World Health Organisation reaffirmed in 1998 that cloning for the replication of human individuals is ethically unacceptable and contrary to human dignity and integrity. The National Health and Medical Research Council (NHMRC) Ethical Guidelines on Assisted Reproductive Technology describe reproductive cloning as prohibited and unacceptable. In its position statement on human cloning the Australian Academy of Science describes human reproductive cloning as unethical and unsafe, and states that it should be prohibited. A ban on human reproductive cloning was also recommended by the House of Representatives Standing Committee on Legal and Constitutional Affairs, known as the Andrews committee, in its report in September this year.

In May this year the Premier announced the government's intention to prohibit human reproductive cloning. In June the Council of Australian Governments (COAG) made a commitment to achieve nationally consistent provisions in legislation to prohibit human cloning. The Cloning of Humans (Prohibition) Bill 2001 implements that commitment in Queensland.

The bill implements a ban on human reproductive cloning by creating two primary offences. First, it is an offence to create or attempt to create a human clone using technology. Secondly, it is an offence to place a human embryo clone in a human or animal body for any period of gestation. The bill does not prohibit stem cell research or so-called 'therapeutic cloning', a promising area of medical research which may result in new treatments for serious diseases. These issues are complex and need further, careful consideration. In June, COAG agreed to work toward consistent approaches to emerging human technologies in each state and territory.

Queensland is participating in discussions with other states and territories and the Commonwealth about possible approaches to regulation of emerging human technologies. A number of overseas and Australian jurisdictions have legislation which purports to ban human reproductive cloning. There has been considerable debate, and some difficulty, in adequately defining human cloning in legislation to ensure that reproductive cloning is prohibited. This bill avoids the problems which have arisen in legislation in other jurisdictions.

In some jurisdictions legislation prohibits the creation of a genetically identical clone. It is arguable that this is not effective in prohibiting human reproductive cloning by somatic cell nuclear transfer (SCNT). Members would be aware of the much-publicised example of 'Dolly' the cloned sheep, which was cloned using SCNT. A clone created in this way may not be strictly genetically identical, due to the presence of a small amount of mitochondrial DNA outside the nucleus of the cell. This bill defines a human clone as a genetic copy and states that it is not necessary to prove that the genetic copy is an identical genetic copy, thereby avoiding the problem identified in other jurisdictions.

As I have stated, the prohibition on human reproductive cloning in the bill is a ban on creation of a human clone by way of a technological or artificial process. The bill will not make it unlawful if, in IVF treatment, an early embryo undergoes the natural process of 'twinning' and splits to create identical twins. Also, of course, the bill will not make conception of identical twins unlawful. However, the bill does prohibit placing a human embryo clone into a human or animal body for gestation. It will therefore be unlawful to place a human embryo clone in a human or animal body for gestation, whether the human embryo clone was created in Queensland or created outside Queensland.

Finally, I would like to highlight that the bill incorporates provisions to make executive officers of corporations that offend against the ban on human reproductive cloning accountable. Executive officers of corporations can be liable for the offence of failing to ensure that the corporation complies with the prohibition on human reproductive cloning. In addition, a person may be liable for an offence by their representative. In both of these circumstances it is a defence if the person or executive officer exercised reasonable diligence. I commend the bill to the House.

Debate, on motion of Miss Simpson, adjourned.

## WATER INFRASTRUCTURE DEVELOPMENT (BURNETT BASIN) AMENDMENT BILL

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for State Development) (12.38 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Water Infrastructure Development (Burnett Basin) Act 2001.

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. T. A. BARTON** (Waterford—ALP) (Minister for State Development) (12.39 p.m.): I move—

That the bill be now read a second time.

In May this year, this House debated and passed the Water Infrastructure (Burnett Basin) Bill. In my second reading speech, I advised the House that the bill represented the first step in delivering the Beattie government's commitment to water development in the Burnett region. Specifically, the commitment is to commence design for construction of a major dam in the Lower Burnett region, allowing additional water allocations of up to 130,000 megalitres to support agriculture and industrial expansion and to commence additional design work for the construction of the Eidsvold and Barlil weirs and the upgrades of Jones and Walla Weirs.

The measures in the legislation that the House approved at that time enabled a state-owned company to take over responsibility for an environmental impact assessment process in respect of the water infrastructure component of an industrial development which was then being conducted by a private company. The state-owned company, Burnett Water Pty Ltd, has since arranged for the preparation of environmental impact studies—EISs—for the Burnett River Dam, Eidsvold Weir and the raising of Walla Weir. It has also arranged for the completion of reviews of environmental factors commenced by the Department of Natural Resources and Mines for the new Barlil Weir and to raise Jones Weir.

Following completion of the Queensland impact assessment processes, the assessments for the Burnett River Dam, Eidsvold, Jones and Barlil Weirs were forwarded to the Commonwealth Minister for the Environment and Heritage for assessment under Commonwealth legislation in late October. On 16 November 2001, the Commonwealth Minister for the Environment and Heritage granted approvals for the Barlil and Jones Weirs in accordance with the requirements of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The assessment report for the Walla Weir EIS has been deferred to enable the government to consider integrated management arrangements for the Burnett River catchment as recommended by the Coordinator-General.

I am thus very pleased to be able to report to the House that the objectives of the original Water Infrastructure Development (Burnett Basin) Act have been completed. I am sure that honourable members will recognise that completion of these impact assessments in a five-month period required the dedication and cooperation of a large number of people, and I would like to acknowledge the contribution of the directors and staff of Burnett Water, their consultants and the officers of the state government departments involved. In this assessment process, all statutory requirements were followed and, most importantly, opportunities for public input to the process were provided.

The assessment reports demonstrate that the potential for economic development in the Burnett region that arises from the water made available through these projects is very significant, providing the region with its best opportunity for economic development in many years. The studies estimate that up to 7,500 new jobs associated with increased agricultural production will be created in the Burnett region. With any project of this size, there will be adverse impacts, and the EIS reports also outline those very clearly. However, there are a range of mitigating strategies that will be employed, and the government has endorsed the Coordinator-General's recommendations in this regard.

The amendments to the Water Infrastructure Development (Burnett Basin) Act that I am introducing today will allow Burnett Water Pty Ltd to seek the formal statutory approvals for the

projects. It will provide a further signal to the Commonwealth minister that this House is committed to seeing these projects through to completion. Essentially, this bill provides for some technical amendments to the Water Resource (Burnett Basin) Plan 2000—the WRP—which arise from the detailed modelling of the hydrological impact of the structures being assessed. Although these technical changes are necessary, the outcomes and objectives of the WRP are not significantly affected by these amendments.

The magnitude of adjustments to the WRP to enable the Burnett River Dam to proceed was specifically identified in the EIS documentation. The impact assessment process provided the opportunity for interested people and groups to express their views on the projects, including the need to amend the WRP. The government believes that the full range of opinion on water infrastructure development in the Burnett has been canvassed through the extensive consultation arrangements for preparing the WRP and through this EIS. All information necessary for decision making is now available. Therefore, the government has decided to amend the WRP by legislation rather than by the processes contained in the Water Act.

Honourable members will be aware that water resource plans include a number of water allocation security objectives which, as the description suggests, specify the probability of being able to obtain water in accordance with a water allocation, whether the allocation is made for urban water supply, agricultural or industrial use. The modelling for the impact assessment studies has been undertaken on the basis that all regulated water allocation security objectives in the WRP are met. No change is proposed to any of these water allocation security objectives. The Coordinator-General's evaluation establishes a requirement that there be negotiations with the holders of existing water harvesting licences that may be affected by the construction of the dam to ensure the provision of water supplies equivalent to those provided under current licences or suitable compensation. The WRP also includes environmental flow objectives that provide for the protection of the health of natural ecosystems for the achievement of ecological outcomes.

There are two categories of environmental flow objectives in the WRP. The WRP requires that the low-flow objectives should be met if possible. The optimisation of these objectives is a principal focus of the next stage of water planning, the preparation of the resource operations plan, which will be initiated in due course by the Department of Natural Resources and Mines in accordance with the Water Act 2000. The second category of environmental flow objectives comprises medium- to high-flow objectives. These objectives must be met to comply with the WRP. The modelling undertaken for the EIS provides detailed information about the flow regime that results from the specific water allocation scenarios related to the infrastructure being proposed.

In preparing the EIS reports, significant effort was directed to developing infrastructure operation strategies that enable the environmental flow objectives to be met. It will be seen from comparing the draft EIS reports and the later supplementary reports that the strategy adopted has enabled a high degree of compliance to be achieved. The analyses undertaken show that when the proposed allocations associated with all five structures are included the high- and medium-flow objectives are complied with fully at 16 of the 19 nodes at which the objectives are specified. At two of the remaining three nodes—nodes 2 and 3—only one of the six objectives specified for each node does not comply, and the degree of non-compliance is very small. For example, at node 3, near Gayndah, the achieved 1.5-year average recurrence interval daily volume flow—1.5-year ARI—is 71 per cent of the pre-development flow compared to the WRP requirement of 74 per cent. In physical terms, this means that the flow rate achieved every 18 months on average is 13,907 megalitres per day compared with the WRP requirement of 14,582 megalitres per day, a difference of 675 megalitres per day. This objective is one of a number that relate to channel geometry and sediment movement.

It is not unreasonable to conclude that the impact of this small change on channel geometry and sediment movement is insignificant. At node 1, four of the seven objectives specified are not met. Three of these are again within a few per cent of the WRP requirement. The remaining statistic, the 1.5-year ARI, is modelled at 52 per cent compared to the required 69 per cent. This means that the required flow is achieved every 1.65 years—19.8 months—instead of 1.5 years—18 months—as specified. As I mentioned previously, the next stage of water planning is the preparation of the resource operation plan. The opportunity will be taken when this plan is prepared to further refine infrastructure operation strategies to bring the achieved flow regime more closely in line with the current targets.

In addition to amending the flow objectives as I have outlined, the bill also amends section 11(2) of the WRP which relates to the maintenance of lungfish habitat in the river particularly

downstream of Gayndah at AMTD 200 kilometres. The impacts on lungfish habitat of the water infrastructure development are described in the EIS documents. These include the loss of some habitat, particularly in the lake behind the dam. The mitigation strategies proposed as a condition of approval recognise that maintaining the viability of the lungfish population requires a range of actions in addition to managing and allocating water in that section of the river, and that an integrated solution is required.

The amendments I am seeking to the Water Infrastructure Development (Burnett Basin) Act will clear the way for the necessary statutory approvals to be issued for the water projects under consideration in the Burnett catchment. As I have indicated, these amendments will result in small changes to a handful of objectives in the Water Resource (Burnett Basin) Plan 2000. Those changes do not, in any way, threaten the integrity of the WRP or its effectiveness as a tool for managing the water resources of the Burnett Basin. I commend the bill to the House.

Debate, on motion of Mr Lingard adjourned.

## CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (12.50 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act relating to administrative actions by Commonwealth authorities or officers of the Commonwealth under State co-operative scheme laws, and for other purposes.

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (12.51 p.m.): I move—

That the bill be now read a second time.

This bill provides a legislative framework to ensure the continuation of commonwealth-state cooperative schemes in this state. Significantly, the bill supports two commonwealth-state cooperative schemes of importance to the state—the National Crime Authority scheme and the national registration scheme for agricultural and veterinary chemicals.

The ability of these schemes to operate in Queensland under their current framework was recently placed in jeopardy by the High Court in the Queen v. Hughes. In the Hughes case, the High Court held that where a state gave a commonwealth officer or authority a power and a duty to undertake a function under a state law, that function must be referrable to a commonwealth head of power in the Constitution. The decision in Hughes has cast doubt on the ability of commonwealth officers or authorities to exercise functions under state laws for cooperative schemes, such as the National Crime Authority scheme and the national registration scheme for Agvet Chemicals. These schemes are good examples of state and commonwealth cooperation on issues of national importance. The national registration scheme for Agvet Chemicals is necessary to ensure national regulation of agricultural and veterinary chemicals in Australia.

The National Crime Authority is integral to the fight against crime in this state. The National Crime Authority scheme enables commonwealth NCA officers to investigate complex organised crime on a national basis. All Australian states and territories, including Queensland, have enacted legislation to allow the NCA to perform this function in their jurisdiction. This has allowed commonwealth NCA officers to work in cooperation with Queensland crime fighters. The Co-operative Schemes (Administrative Actions) Bill 2001 will ensure that these important schemes can continue without the threat of a constitutional challenge in Queensland.

The purpose of the Co-operative Schemes (Administrative Actions) Bill 2001 is to validate past actions undertaken by commonwealth officers or authorities under certain state laws relating to various cooperative schemes. Under the bill, administrative actions by commonwealth officers or authorities under cooperative schemes are given the same effect as if they had been undertaken by state officers or authorities. The bill initially validates the two cooperative schemes previously highlighted.

Firstly, the bill validates actions undertaken by commonwealth officers operating under the national registration scheme for agricultural and veterinary chemicals (NRS). The NRS provides a uniform regulatory system for agricultural and veterinary chemicals including assessment, clearance, registration, standards, permits and enforcement procedures. The NRS is adopted in Queensland under the Agricultural and Veterinary Chemicals (Queensland) Act 1994, by applying the Agvet code as set out in the commonwealth Agricultural and Veterinary Chemicals Code Act 1994 as a Queensland law. Further, this bill complements the proposed Agricultural and Veterinary Chemicals (Queensland) Amendment Bill 2001, which will soon be introduced by the minister for primary industries and rural communities.

Secondly, the bill also validates actions undertaken by commonwealth officers under the National Crime Authority scheme. The National Crime Authority is an independent commonwealth statutory authority with a specific charter to investigate complex organised crime on a national basis. The commonwealth National Crime Authority Act 1984 is underpinned by legislation in all states and territories. The bill validates all actions taken by the commonwealth National Crime Authority and its officers under the Queensland National Crime Authority (State Provisions) Act 1985.

The bill also provides for the validation of other cooperative schemes that are later found to be affected by the Hughes case. This can occur by amending the legislation at a later date.

The government considers the Co-operative Schemes (Administrative Actions) Bill 2001 as being vital to restore certainty to the effective operation of various state-commonwealth cooperative schemes to which Queensland is a party. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

## NATIONAL TRUST OF QUEENSLAND AND OTHER LEGISLATION AMENDMENT BILL

**Hon. D. M. WELLS** (Murrumba—ALP) (Minister for Environment) (12.54 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the National Trust of Queensland Act 1963, 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) (12.55 p.m.): I move—

That the bill be now read a second time.

I seek leave of the House that the speech I would otherwise give be now incorporated into *Hansard*.

Leave granted.

The National Trust of Queensland was established under the National Trust of Queensland Act 1963. It was established for the purpose of promoting "the preservation and maintenance of the benefit of the public generally of lands, buildings, furniture, pictures and other chattels of beauty or of national, historic, scientific, artistic, or architectural interest". Since that time it has played a key role in the protection of Queensland's cultural heritage.

It has done this through ownership and conservation of a diverse range of heritage properties across Queensland including: a former inn at Drayton; a number of houses; a former retail premises in Maryborough; the former Stock Exchange in Charters Towers; a former powder magazine; and the James Cook Museum in a former convent in Cooktown. These places all represent important aspects on Queensland's rich history.

The Trust raises the level of understanding and appreciation within the broader community of the unique heritage of Queensland, through education programs, publication of a newsletter and booklets, organising the annual Heritage Week festivities, and the opening and interpretation of its properties throughout Queensland.

From the mid 1970s it established a register of listed properties to identify and document the many and varied places of significance throughout Queensland.

Through this list, it encouraged retention and continued use of these places.

The Trust encourages good conservation practice by setting an example in the management of its own properties and, more recently, by the publication of technical leaflets and the establishment of a building resource centre. It also runs the prestigious John Herbert Awards, which recognise and reward good conservation practices across a range of categories.

It has established branches throughout Queensland to assist the objectives of the National Trust, and has a broadly based membership of about 11,000.

In earlier times, the National Trust became a strong advocate for legislative change to provide legal protection to Queensland's cultural heritage. This resulted in the introduction, by a previous Labor Government, of the first heritage legislation in Queensland, the Heritage Buildings Protection Act 1990, which was subsequently replaced by the Queensland Heritage Act 1992.

In recognition of its important role in heritage matters, and also its community base, the National Trust provides a member for the Queensland Heritage Council.

Another major area of the Trust's activity is the Currumbin Bird Sanctuary, which was transferred to the Trust by its former owner, Mr Alex Griffith, under conditions regulated by the Currumbin Bird Sanctuary Act 1976

Some of the Trust's heritage properties are included in the Queensland Heritage Trails Network, which is a joint initiative of the Queensland and Commonwealth governments through the Centenary of Federation Fund, with substantial funding being applied to conservation works and interpretation.

Recent difficulties: The National Trust has encountered significant problems with effective governance in recent years, owing to a combination of factors including a degree of internal disunity, financial management issues, and a somewhat rigid framework of legislation and internal rules that sometimes hindered rather than assisted effective governance.

The consequent reduction in organisational effectiveness has diminished the Trust's ability to fulfil its statutory goals of preserving and promoting the historical heritage of Queensland.

The problems were exacerbated when the annual general meeting in September 2000, was deemed to be invalid by the Crown Solicitor owing to inadequate notice. This led to an impasse, wherein office-bearers could not be appointed and financial statements could not be finalised. Hence the audit reports on the Trust's financial statements for the years 1999/2000 and 2000/2001 have been delayed, pending these legislative amendments.

The Council's capacity for resolving its own problems has been severely tested by this situation,.

and the issues have demonstrated that the National Trust Act 1963 currently does not allow for Ministerial intervention to assist the National Trust to resolve its governance problems, or to provide clear guidelines for governance procedures.

Proposed amendments: To address these recent difficulties and to put the National Trust back on to a sound footing, it is proposed to amend the National Trust of Queensland Act 1963 to: empower the Governor-in-Council to appoint an administrator, under certain circumstances, to perform the executive functions conferred on the National Trust Council by the Act; broaden the scope of the regulation-making power under the Act; validate actions by and on behalf of the Council, following the conclusion of the invalid annual general meeting on 27 September 2000, including all processes associated with the 2001 AGM and election of the Council in 2001; update the provision for the establishment of the National Trust as a statutory body; and remove redundant financial provisions which are already covered by the provisions of the Financial Administration and Audit Act 1977, the Statutory Bodies Financial Arrangements Act 1982 and the Financial Management Standard 1997 in relation to the financial operation of the National Trust.

The making of a provision in the Act for the appointment of an administrator to the National Trust is merely a routine good governance measure to cope with the circumstances like those we now face.

It is proposed as a precautionary measure, which hopefully will never need to be used. If, however, an administrator is required, the proposed amendments include a range of provisions to assist the administrator's work, including the ability to appoint a committee.

The immediate difficulties faced by the National Trust are due to the invalidity of the September 2000 annual general meeting. This invalidity was due purely to an administrative error, but the Crown Solicitor has advised that this error, and the consequences which flowed from it, cannot be corrected other than by legislative action.

The proposal is to validate all actions taken by and on behalf of the Council and the executive staff, including all processes in relation to the election of members to the present Council, the issuing of notices on behalf of the Council, and the 2001 AGM.

This will permit a number of important decisions and actions relating to the governance of the National Trust to be validated, and allow the 1999-2000 and 2000-2001 accounts to be concluded.

If the amendment to allow for the appointment of an administrator were already law, this retrospective validation would not have been necessary.

The recent difficulties revealed that the rules and the regulation-making provision of the National Trust of Queensland Act 1963 are overly rigid, and limited in scope for remedial action to be taken. This has made it difficult to deal with relatively minor matters relating to National Trust business. Accordingly, a more general regulation-making provision is proposed. This would permit the Governor-in-Council to make a regulation for any relevant purpose under the Act.

Closer examination of the legislation also revealed that the National Trust of Queensland Act 1963 was out of date in relation to a number of governance matters, including the status of the National Trust as a statutory body, a clear expression of its powers, and a range of financial provisions.

The opportunity has thus been taken, on advice from Treasury, the Queensland Audit Office and Parliamentary Counsel, to update and clarify provisions, and, where necessary, remove redundant provisions that are included in the Financial Administration and Audit Act 1977, the Statutory Bodies Financial Arrangements Act 1982 and the Financial Management Standard 1997.

In addition to these proposed amendments, the Environmental Protection Agency provided funding in October 2000 for a strategic operational review of the National Trust to be undertaken. This has resulted in an Options Paper,

which looks at the future role of the National Trust, its legal framework, and its organisational structure in considerable detail.

This Options Paper is currently being considered by the Council of the National Trust, and will hopefully provide the basis for a clear direction for the National Trust into the future.

An amendment to Recreation Areas Management Act 1988

Mr Speaker, in addition to the proposed amendments that I have just outlined, I also propose some minor amendments to the Recreation Areas Management Act 1988.

These amendments are proposed as part of this Government's ongoing response to the fatal dingo attack on Fraser Island on 30 April 2001.

As a result of that attack, a risk assessment was prepared in May 2001 by the Environmental Protection Agency and leading dingo experts. Cabinet approved the implementation of the recommendations of the risk assessment on 12 June 2001.

The risk assessment recommended that the maximum penalties under the Recreation Areas Management By-law 1991, for offences associated with feeding and disturbing dangerous animals, be increased from 20 penalty units to 40 penalty units.

The Recreation Areas Management Act 1988 sets a maximum limit of 20 penalty units for offences under the By-law. Therefore, the Act will need to be amended to allow the relevant maximum penalty in the By-law to be increased to 40 penalty units.

Due to the urgent need to address this important issue prior to the summer holiday season, the opportunity has been taken to include, as part of this amending legislation, a minor amendment to the Recreation Areas Management Act 1988, to increase the maximum penalty units allowed under the By-law from 20 units ($1500) to 40 units ($3000). I commend this bill to the House.

Debate, on motion of Mr Lingard, adjourned.

## AGRICULTURAL AND VETERINARY CHEMICALS (QUEENSLAND) AMENDMENT BILL

**Hon. H. PALASZCZUK** (Inala—ALP) (Minister for Primary Industries and Rural Communities) (12.56 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Agricultural and Veterinary Chemicals (Queensland) Act 1994.

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. H. PALASZCZUK** (Inala—ALP) (Minister for Primary Industries and Rural Communities) ( 12.57 p.m.): I move—

That the bill be now read a second time.

The Agricultural and Veterinary Chemicals (Queensland) Amendment Bill 2001 will ensure the basis of the conferral of functions and powers on Commonwealth authorities and officers as part of the national registration scheme for agricultural and veterinary chemicals is not put at risk due to a recent High Court decision in Queen v. Hughes. I seek leave to incorporate the rest of my speech in *Hansard*.

Leave granted.

The National Registration Authority for Registration of Agricultural and Veterinary Chemicals, (known as the NRA) in an inter-governmental legislative scheme with the States and Territories operates a uniform national system for evaluation, registration and regulation of agricultural and veterinary chemicals known as the National Registration Scheme. In Queensland, the Agricultural and Veterinary Chemicals (Queensland) Act 1994 adopts the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 (Cth) as the Agvet Code of Queensland. Other States and Territories adopt the Agvet Code in a similar manner.

The National Registration Scheme provides for the NRA to control agricultural and veterinary chemicals up to and including the point of sale. To ensure the Agvet Code operates uniformly throughout Australia the adopting legislation of each jurisdiction provides that certain Commonwealth administrative laws and prosecution arrangements apply to the National Registration Scheme.

The decision in the Hughes case casts doubt on the ability of Commonwealth authorities and officers to exercise powers and perform functions conferred by State legislation in situations where there is no clear Commonwealth head of power. The decision impacts on the National Registration Scheme by casting doubt on the exercise of power by the NRA, the Commonwealth Director of Public Prosecutions, the Commonwealth Administrative Appeals Tribunal and Commonwealth inspectors and analysts.

The Bill will amend the Agricultural and Veterinary Chemicals (Queensland) Act 1994 making the necessary changes to place the National Registration Scheme on a more secure constitutional footing and close certain gaps in the conferral of duties, function and powers on Commonwealth authorities and officers. The Bill also validates past actions of inspectors and analysts to address gaps in the legislative scheme arising independently of the Hughes decision.

The Bill complements the proposed Co-operative Schemes (Administrative Actions) Bill 2001 proposed by the Attorney-General that is also before the Parliament. This other Bill will validate past acts of Commonwealth authorities and officers that were not linked to a Commonwealth head of power under the Commonwealth Constitution. It will also place the National Registration Scheme on a more secure constitutional footing by ensuring that no duty, function or power conferred on a Commonwealth authority or officer is beyond the legislative power of the State.

The Bill is also supported by the Agricultural and Veterinary Chemicals Legislation Amendment Act 2001 (Cth) which was assented to on 11 July 2001. That Act clarified the powers, functions and duties of Commonwealth authorities and officers within the National Registration Scheme and also addressed gaps in the legislative scheme, which arose independently of the Hughes decision.

The Agricultural and Veterinary Chemicals (Queensland) Amendment Bill 2001 is required to prevent the threat of legal challenge to actions and decisions by Commonwealth authorities and officers operating under the National Registration Scheme. The Bill signifies the governments continued commitment to an effective uniform national registration system for agricultural and veterinary chemicals.

I commend the Bill to the house.

Debate, on motion of Mr Lingard, adjourned.

## SUBCONTRACTORS' CHARGES AMENDMENT BILL

**Hon. R. E. SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) ( 12.58 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Subcontractors' Charges Act 1974.

Motion agreed to.

### First Reading

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

### Second Reading

**Hon. R. E. SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) ( 12.59 p.m.): I move—

That the bill be now read a second time.

Today I table a bill that enhances the Better Building Industry reforms already put in place by this government over the past two years. Those reforms have delivered unprecedented protection to subcontractors and improved service and certainty for consumers. The next task for the government is to significantly reduce the confusion and difficulties surrounding subcontractors' charges.

The Subcontractors Charges Amendment Bill 2001 clearly achieves this. The bill makes a number of important amendments which will advance the cause of security of payment for subcontractors. It will also aid the ease of interpretation of the act, which has been the subject of strident criticism for its complexity and loopholes by the judiciary, legal profession and industry.

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

Leave granted.

The Subcontractors' Charges Amendment Bill 2001 is the result of industry stakeholders representing contractors, subcontractors, legal specialists and Government working together to further improve security of payment within the building and construction industry.

Many of you may recall that amendments to the Subcontractors' Charges Act 1974 (the Act) have been mooted for a number of years. In fact the first deliberations on amendments to the Act took place in 1996, so this Bill has been a long time coming. This Bill brings together the amendments proposed over the years and also takes into account industry concerns in the current environment and for the future.

There are a number of significant policy initiatives contained within the Bill in addition to enhancements to aid interpretation.

The Subcontractors' Charges Act 1974 is predicated on the basis that subcontractors owed moneys may lodge a notice of claim of charge against a person higher up the contractual chain to withhold moneys due to an intermediary and to divert those funds directly to payment of the subcontractor. A subcontractor has the period of three months from completion of the work in which to lodge the charge.

However, once this three-month period has elapsed it was considered vital that the matter be progressed quickly. The Subcontractors' Charges Amendment Bill 2001 reduces the time to commence proceedings for enforcement of a claim of charge from two months to one month after giving notice of a charge.

The Subcontractors' Charges Amendment Bill 2001 introduces a new definition of "project specific materials" to include materials made specifically for inclusion in the work, but excluding materials that could without substantial change be incorporated in other work or which could reasonably be converted to other use.

The definition allows claims by persons such as makers of pre-fabricated kitchens for a building, where the kitchen has not been installed, but cannot reasonably be used for another purpose. The definition excludes claims of charge being lodged by the manufacturers of generic products that may be utilised on other sites.

A further issue addressed by the Bill is the difficulty in the current interpretation of the Act in relation to "leapfrogging".

Leapfrogging in relation to subcontractors' charges occurs when subcontractors or contractors lodge a charge against those persons two or more steps higher up the contractual chain.

The Subcontractors' Charges Amendment Bill 2001 clarifies that "leapfrogging" will be allowed to continue to the extent that a superior contractor is not be prejudicially affected through having to make double payments for work the subject of the claim of charge, or having payments to them delayed when they have met their contractual commitments.

The Subcontractors' Charges Amendment Bill 2001 also addresses another issue recently addressed by the courts.

Recent court decisions have concluded that if a subcontractor has not fulfilled the terms of its contract, say in relation to certification of works by a superintendent or strictly adhering to dispute resolution procedures, then a charge will be of no effect.

The Subcontractors' Charges Amendment Bill 2001 clarifies that subcontractors will no longer have a claim of charge struck out simply on the basis that they have not yet completed these procedures.

The Subcontractors' Charges Act 1974 provides that a claim of charge may be made over moneys payable or to become payable. The Subcontractors' Charges Amendment Bill 2001 expands this concept to include securities taken for the performance of the contract. At the same time the Bill imposes a limiting factor so that securities may only be used to the extent that other moneys do not fully satisfy the claim of charge. This effectively provides greater funds for subcontractors to secure for their benefit, while protecting the purpose for which security was originally given.

All parties who have cause to use the Act will benefit from this Bill that will assist the judiciary and lawyers in interpreting the rights and obligations of the various parties to a claim of charge. Likewise, subcontractors, superior contractors and employers will have their rights and obligations made clearer to them under the Act.

Most importantly, subcontractors will be significant beneficiaries under the Bill, with their rights clarified and their claims on moneys expanded to include securities.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

Sitting suspended from 1.03 p.m. to 2.30 p.m.

## LAND SALES AMENDMENT BILL

**Hon. M. ROSE** (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (2.30 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Land Sales Act 1984.

Motion agreed to.

### First Reading

Bill and explanatory notes presented and bill, on motion of Mrs Rose, read a first time.

### Second Reading

**Hon. M. ROSE** (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (2.31 p.m.): I move—

That the bill be now read a second time.

The objectives of this Bill are to—

- promote consumer confidence in large-scale residential unit developments;
- safeguard the interests of consumers as investors in such developments; and
- promote large-scale development in Queensland.

The purchase of off-the-plan residential units in Queensland is governed by the Land Sales Act 1984—the act. The act provides that where a person invests money to purchase a proposed lot,

the vendor must ensure this money is held on trust for the person. The act further provides that this money may be returned with interest to the person if they have not received a registrable instrument of transfer for the lot from the vendor within three and a half years.

In October this year, the Sunland Group Limited unveiled an ambitious plan to develop a 78-storey residential unit development on the Gold Coast. The size of the project is such that three and a half years would be insufficient to see construction reach a stage whereby investors could receive their registrable instrument of transfer. Without any certainty that money invested would not be withdrawn by purchasers prior to completion of the project, it was unlikely that the Sunland Group would secure the necessary funding to proceed with the development.

The problem encountered by the Sunland Group has highlighted the need to ensure the act is able to accommodate large-scale project opportunities that may arise in Queensland from time to time. This bill will amend the act to allow the three and a half year period to be extended by amendment to the Land Sales Regulation 2000. This will allow large-scale developments to proceed without the present uncertainty as to whether the money invested at the start of the project will still be available as security to see the project to completion. It is important to remember that this money will be held on trust, even in relation to large-scale developments. The vast majority of developments will not be affected by this amendment, as there will be no doubt that they are able to be completed within three and a half years.

In introducing this bill, I am also mindful of the interests of persons investing in such developments, and therefore I have included the following safeguards—

- the maximum period of exemption that may be granted will be 12 months;
- there will be no change to the present requirement that money invested will be held on trust, and no change to the investor's right to have this money returned after the expiration of the extended period if no registrable instrument of transfer has been provided; and
- before a person invests money in a proposed lot, the vendor must give the person a written statement to notify them of any extension of time that has been granted.

The greater certainty afforded by this Bill will boost investor confidence and is certain to make Queensland more attractive to other large-scale developers. I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

## LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL (No. 2)

**Hon. J. I. CUNNINGHAM** (Bundaberg—ALP) (Minister for Local Government and Planning) (2.36 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to amend the Local Government Act 1993, and for other purposes.

Motion agreed to.

Mr SPEAKER read a message from His Excellency the Governor recommending the necessary appropriation.

### First Reading

Bill and explanatory notes presented and bill, on motion of Mrs Nita Cunningham, read a first time.

### Second Reading

**Hon. J. I. CUNNINGHAM** (Bundaberg—ALP) (Minister for Local Government and Planning) (2.37 p.m.): I move—

That the bill be now read a second time.

The purpose of the Local Government and Other Legislation Amendment Bill (No. 2) 2001 is to amend the Local Government Act 1993—LGA—to achieve a number of objectives in the areas of control over specific dog breeds, increased membership of the Local Government Grants Commission, the powers of joint local governments, and the application of the state government powers of financial oversight in the Statutory Bodies Financial Arrangements Act 1982—SBFA Act—to local government owned corporations—LGOCs. The Bill also amends the Queensland Treasury Corporation Act 1988 to make clear that in applying the SBFA Act to LGOCs, the performance dividend requirements do not apply.

Firstly, the bill establishes a state regulatory framework for dog breeds that are subject to the Commonwealth's importation ban and crossbreeds of these dogs. Secondly, the bill will expand the membership of the Local Government Grants Commission from five to six, and will require this additional member to have particular knowledge of Aboriginal and Islander councils. Thirdly, the bill will clarify that a joint local government may, with the consent of its component local governments, disperse funds that are not required for the exercise of its exclusive jurisdiction for any other local government purpose. A parallel amendment is proposed to clarify that the Townsville-Thuringowa Water Supply Board may also disperse such funds in this way. Fourthly, the bill will enable the state to supervise the financial arrangements of LGOCs under the SBFA Act. I will outline the components of the bill in the order in which they are presented.

Firstly, I will address the proposed amendments to establish a state regulatory framework for dog breeds that are subject to the Commonwealth's importation ban. The proposed amendments provide for the creation of a state framework of minimum standards for the regulation of breeds of dog the importation of which is prohibited by the Commonwealth, namely, dogo Argentino, fila Brasileiro, Japanese tosa, American pit bull terrier or pit bull terrier, and crossbreeds of these dogs—referred to as restricted dogs.

The Commonwealth Customs (Prohibited Imports) Regulation gives effect to the federal government's decision of 25 November 1991 to exclude from entry into Australia dogs which pose a threat to public health and safety.

The key elements of the Bill are—

(a) placing controls and conditions upon the keeping of restricted dogs;

(b) prohibiting the breeding, sale or exchange and requiring the de-sexing of restricted dogs;

(c) enabling the destruction of a restricted dog in specified circumstances; and

(d) providing for local governments to be responsible for the administration and implementation of this regime.

These key elements are based on an assessment of the approaches of the other Australian states to legislation for the regulation of breeds of dog prohibited from importation by the Commonwealth. State frameworks to address this issue have been developed in New South Wales (Companion Animals Act 1998 (NSW)) and South Australia (Dog and Cat Management Act 1995 (SA)). Further, Victoria has recently introduced a bill, and Western Australia has announced its intention to prepare legislation to introduce a substantially similar regulatory framework for the regulation of restricted dogs.

In developing proposals for legislation, a number of issues have been considered to ensure that the regime is workable for councils and will achieve the objectives previously outlined. The bill deems those breeds of dog prohibited from importation by the Commonwealth to be restricted dogs. An owner of a restricted dog is responsible for applying to the council for the area where the dog is kept to obtain a permit for keeping the dog. If an owner does not voluntarily undertake the application for a permit, the council may commence the process to declare a dog to be a restricted dog. If this occurs, the owner must then obtain a permit for the dog. A person under 18 years of age cannot be a registered owner of a restricted dog.

When an owner of a restricted dog obtains a permit, they must comply with the permit conditions. These conditions relate to the keeping of the dog in accordance with the expectations of public health and safety and include ensuring—

- the dog wears the required identification tag at all times;
- the dog wears a muzzle and is under effective control in a public place;
- the dog is kept in an enclosure which complies with the requirements under the bill and proposed regulation;
- a sign is attached to the entrance of a place containing the enclosure giving public notice of the restricted dog; and
- that the permit holder notifies the council of any change in their residential address.

A restricted dog permit must be renewed annually and is not transferable between local government areas. This means if an owner and restricted dog wish to relocate to a different local government area, the owner will need to apply to the relevant council to obtain a permit for keeping a restricted dog at an address in the area. A restricted dog can only be kept at a place where there is a detached dwelling on the land, and a responsible person usually resides in the

dwelling. In the interests of animal welfare and public health and safety, it is not considered appropriate for these dogs to be kept in multi-residential dwelling situations such as apartment and townhouse complexes or caravan parks.

The bill provides that it is an offence not to have a permit for a restricted dog. It will also be an offence to breach any of the permit conditions, with the maximum penalty for any such breach being 75 penalty units, that is, $5,625. Other offence provisions include a maximum penalty of 300 penalty units, or $22,500, if a person allows or encourages a restricted dog to attack or cause fear to a person or animal.

It is intended that the legislation will commence upon a date fixed by proclamation. However, the bill includes transitional provisions which in effect delay the implementation of the new permit system. Councils will have four months from the date of proclamation of the legislation to review their local laws and repeal any redundant provisions using a truncated local law-making process. At the expiry of this period, each council must notify their community of the regulatory framework in place in their area for the keeping of restricted dogs. As the intention is that the state legislation will provide a minimum standard, more stringent standards for the keeping of restricted dogs may apply in different local government areas. Owners of restricted dogs will have six weeks from the date of the expiry of the review period to comply with the regulatory requirements for the keeping of restricted dogs in their local government area.

I will now discuss how the new state legislation will interact with existing and future local government local laws dealing with the regulation of dogs. This is a complex issue given that many councils have been willing to exercise jurisdiction in the regulation of dogs on the basis of behaviour and/or breed. In developing the bill, my department has consulted extensively with a number of key internal and external stakeholders to negotiate a workable framework for local governments.

Currently, the main control on dangerous dogs in Queensland is through local government local laws. A model local law, Model Local Law No. 4 (Keeping and Control of Animals) 2000, has been approved to facilitate local government regulation of dangerous dogs. Model Local Law No. 4 includes a framework for the regulation of dogs declared dangerous on the basis of behaviour or breed. Under the Model Local Law, a local government can declare dogs that attack, threaten attack or exhibit other behaviours that threaten public safety to be dangerous dogs and apply conditions on the keeping of such dogs. A local government may also, by subordinate local law, prohibit the keeping of a specified breed of dog. All local governments, except one, have adopted a local law which is either the Model Local Law or is substantially the same. A number of local governments have a subordinate local law which prohibits the keeping of the breeds of dog prohibited from importation by the Commonwealth in their area.

As councils have been willing to exercise jurisdiction on this matter, the state legislation provides minimum standards for the regulation of restricted dogs. This means local governments can prescribe higher standards or impose higher responsibilities on the owner of a restricted dog through existing or new local laws. Where a council has a local law which prohibits restricted dogs, the local law will apply in that local government area instead of Chapter 17A of the bill.

The bill specifically provides the matters on which councils may make a local law to prescribe a higher standard, obligation or responsibility for the owner. These matters include requirements for an application, permit conditions and public notice of the dog's presence at the place where the restricted dog is kept. However, a local government must comply with those parts in the bill dealing with the declaration process, the seizure and destruction of restricted dogs and the procedures and evidentiary rules for appeals to the Magistrates Court. It is important that a consistent standard is applied across the state on these procedural matters. The bill also provides that a council's local laws on matters relevant to owners of all types of dogs will apply to the owners of restricted dogs, for example, the maximum number of dogs to be kept at a place in the area.

In developing the bill consideration has been given to the difficult issue of breed identification. As there is no scientific means of proving that a dog is of a restricted breed, or a crossbreed, identification is based on the physical characteristics of the dog. The bill provides two methods for declaring a dog to be a restricted dog, and a council may decide the appropriate method on a case-by-case basis. The first method involves a council obtaining an expert opinion on a dog's breed from a veterinary surgeon and subsequently notifying an owner of this opinion and the intention to declare a dog to be a restricted dog. An owner could then make written representations to the council, for example, arguing, on the basis of a veterinarian or breed

certificate, that their dog is not a restricted dog. In these circumstances, a council must consider all the evidence before it when making its decision on a dog's declaration status. There is no appeal on the merits of a decision if this method of declaration is used. However, an owner retains the right to judicial review of the council's decision.

The second method provides for an authorised officer of a council to declare a dog to be a restricted dog. Where a council uses this declaration method, an owner has a right of appeal to the Magistrates Court, where they may present evidence that the dog is not one of the restricted breeds.

The bill requires each local government that permits the keeping of restricted dogs in their area to create and maintain a register of restricted dogs. The register has to be open for public inspection, and include the following details—

- the address where the dog is kept; and
- a detailed physical description of the restricted dog.

In order to maintain the privacy of certain members of the community, the bill provides that persons who are protected from the disclosure of their name and address under the Valuation of Land Act 1944 for the purposes of local government records, such as the voters roll or land roll, are similarly protected under the restricted dog register provisions. A protected person is a person whose personal safety or property would be placed at risk if their name and postal address were included on such public records.

In enforcing this legislation the bill provides that a council may rely on powers of entry in Chapter 15, Parts 4 and 5, of the LGA, or on powers of entry contained in a local law on dangerous dogs under section 1105 of the LGA. The intent is to enable councils to utilise powers of entry under local laws to enforce the legislation on restricted dogs, thus allowing consistency in the administration and enforcement of dangerous and restricted dog matters. My department will provide training to councils in relation to carrying out local law reviews and the identification of these breeds of dog.

It is proposed that technical advisers will be engaged to develop materials and facilitate training sessions across the state in relation to breed identification issues. The Department of Aboriginal and Torres Strait Island Policy will coordinate similar training sessions for Aboriginal and island councils. As you would expect with a sensitive subject such as this, there are mixed views on the proposals in the bill. Of the 253 submissions received from the public when the draft legislative proposals were released for comment in mid-September 2001, 218 were opposed (including 179 form letters) and 34 were in support, and one could not be classified. The Australian Veterinary Association also did not support the bill.

The main reasons for the opposition revolved around the effectiveness of breed-specific legislation in reducing dog attacks, the difficulty of breed identification and the need for education regarding responsible pet ownership. In response, I would simply say there are certain fighting dogs you cannot now bring into Australia and to reduce the risk to public health and safety the bill provides that if you have one of these dogs or a crossbreed in Queensland, extra controls will now apply. These controls are based on the approaches taken in other states. The Department of Primary Industries also provides funding for community education on pet ownership. Other submissions received by my department were largely supportive of the proposals in the bill.

Although its general policy on animal management does not support breed-specific regulation, due to recent events the Royal Society for the Prevention of Cruelty to Animals (Queensland) does support the proposed state regulatory framework for restricted dogs, which parallels the Commonwealth legislation. The Canine Control Council—CCC—also supports the proposed regulatory framework for restricted dogs. Although the CCC acknowledged that identification of dogs by breed can be very difficult in some circumstances, it is prepared to continue to assist councils in breed identification.

The Local Government Association of Queensland advised it supports the proposed regulatory framework and noted that, at its annual conferences, resolutions have been passed calling on the state government to enact legislation for the control of pit bull terriers and pit bull terrier type dogs. The response from local governments has also been generally supportive of the proposed regulatory framework. However, some councils were concerned with enforcement of the regulatory framework.

Next, I shall turn to the proposed amendments in relation to membership of the Local Government Grants Commission. The commission is responsible for making recommendations for

the distribution of the financial assistance grants to Queensland's 125 local governments as well as the 32 Aboriginal and Torres Strait island councils. Its current membership draws on people with a wide range of experience in local government matters. However, it has no member with particular experience and knowledge of the circumstances and operating environments of Aboriginal and Torres Strait island local governments. This proposed amendment will expand the membership of the commission from five to six members, with the additional member to have particular knowledge of Aboriginal and island councils. All stakeholders consulted support this amendment.

I will now turn to the proposed amendments concerning joint local governments. This is a clarifying amendment intended to ensure that the original policy intention of the Local Government Act 1993 is achieved. Under the LGA, joint local governments are given exclusive jurisdiction in their geographic area for the functions for which they were created. These functions can be as varied as supplying bulk water, running saleyards or libraries where it is convenient for the function to be conducted over the area of more than one local government. Once a joint local government is created, the component local governments cannot exercise jurisdiction over the matters given to the joint local government.

The LGA also provides for a joint local government to undertake other local government functions if its component local governments agree. It was always intended that a joint local government could expend surplus funds on any purpose within the broad jurisdiction given to local governments. However, this power was subject to the component local governments agreeing on the purpose for which the funds would be spent. The need for a clarifying amendment arose when advice was sought in respect of a proposal from the Caloundra-Maroochy Water Supply Board. The board's jurisdiction is to provide bulk water to the Caloundra City and Maroochy Shire Councils and to establish recreational facilities at the board's bulk water storage facilities.

The board has also been engaged in electricity generation as an additional function in reliance on existing provisions in the act. However, the board wishes to expand its current electricity generation operations from hydroelectricity to wind farming, and to expend funds not required for water supply purposes on these new activities. The proposed amendment will clarify that a joint local government may disburse funds that are not required for its exclusive jurisdiction for another local government purpose, provided all the component local governments agree. This additional function does not become part of the joint local government's exclusive jurisdiction. Therefore, both a joint local government and its component local governments will be able to concurrently undertake such functions. Similar amendments are proposed to the provisions dealing with the Townsville-Thuringowa Water Supply Board.

Earlier this year, the Local Government and Other Legislation Amendment Act 2001 converted the Townsville-Thuringowa Water Supply Board to a new local government entity similar, but not identical, to a joint local government. The purpose of the board is to supply bulk water to the Townsville and Thuringowa City Councils and to other bulk water consumers in its operational area. It was also given the ability to expend surplus funds on local government functions with the approval of its component local governments. Therefore, a parallel amendment is now proposed to the LGA to clarify that the board may in fact disburse funds in this manner.

Lastly, I will turn to the proposed amendments in relation to Local Government Owned Corporations (LGOCs). Under the LGA, local governments may establish LGOCs to conduct business activities in a similar way to state government business activities set up as government owned corporations (GOCs). No LGOCs presently operate in Queensland, but Hervey Bay City Council has advised that it intends to establish one for its water and sewerage business activities by January 2002. It is expected that a number of LGOCs may be established by other councils in the near future.

The addition of this amendment to the bill is primarily to ensure that LGOCs obtain state approval for financial arrangements in the same way that any local government that wishes to borrow must obtain approval. Applying the SBFA Act to LGOCs requires a related technical amendment to the Queensland Treasury Corporation Act 1988—to clarify the state performance dividend requirements do not apply to LGOCs. I commend the bill to the House.

Debate, on motion of Mr Lingard, adjourned.

**Mr DEPUTY SPEAKER** (Mr Mickel): Order! I draw to honourable members' attention that earlier this afternoon the House was host to Our Ladies School of Longreach, in the electorate of

Gregory, and I am sure members would wish the parents, teachers and students a happy stay while they are here at Parliament House.

## CONSTITUTION OF QUEENSLAND
## PARLIAMENT OF QUEENSLAND BILL

### Second Reading (Cognate Debate)

Resumed from 9 November (see p. 3718).

**Hon. K. R. LINGARD** (Beaudesert—NPA) (3.00 p.m.): I apologise for the absence of Mr Horan; he has obviously had to go to Toowoomba because of the sad event that occurred there today. I will present the opposition's comments on his behalf.

It has long been acknowledged that the basis of Queensland's fundamental institutions—the Constitution—needed consolidation. The Commonwealth Parliament has one document that sets out the parameters and operations of our national institutions—the Houses of Parliament, the executive and the courts. This document is the Constitution of Australia. The Australian Constitution is this year celebrating its centenary. In Queensland, on the other hand, we have had over 30 acts and documents, including letters patent, which have set out the basis of this state's Constitution and parliament. There has been no such document in Queensland to which students of our society may refer.

I applaud that finally we are to gain such a document in Queensland. These bills have been a long time in preparation. EARC first looked at this issue in 1993. Since then both PEARC and LCARC have examined this issue. Indeed, these bills are largely based on the bipartisan recommendations that resulted from those reviews.

I am disappointed in one respect, though, and that is that the Constitution Bill of Queensland 2001 could have been an amendment bill of the 1867 Constitution Act, thereby maintaining the original act as the basis of our Constitution and retaining the 1867 date. Instead, we have this modern date which has no connection with the early days of Queensland's history as a self-ruling colony. I understand the argument presented by the government that 2001 is the Centenary of Federation and is therefore a fitting date.

I would also like to comment on chapter 4 of the Parliament of Queensland Bill. This chapter sets out the qualifications of candidates for election to this House. I see in the note attached to section 68 that it states—

> Under the Local Government Act 1993, s 224A, a councillor of a local government (which by definition includes the mayor of a local government) ceases to be a councillor if, under the Electoral Act 1992, s 88(3), the councillor becomes a candidate for an election as a member of the Legislative Assembly.

Notes in the text of this act are part of the act. This is very concerning for me because here again we see honourable members opposite attempting to enshrine this discriminatory rule in legislation. Many members of parliament have gained experience in local councils and have moved from being councillors into this House. They had shown their love and passion for working to better our society on council and used it as a springboard into this chamber. Even the Supreme Court agrees. The court struck out the provisions relating to Commonwealth elections as being unconstitutional. Justice Davies states—

> These losses (associated to the office of councillor) are imposed...almost immediately upon and in consequence of a councillor undertaking the risk of candidacy. The prospect of losing these benefits in that event is likely to hinder councillors from undertaking that risk.

This act also modernises the language of the provisions. Some of the provisions were written in quite archaic language. I applaud the aim, but I ask that clear statements be made by the Premier restating that, unless specified, the purpose of this bill is to maintain the intention of the provisions as they existed before this modernisation.

The Constitution of Queensland Bill 2001 has an important feature. It, for the first time, acknowledges some important conventions. The primary objective, obviously, is to enhance public access to, and understanding of, Queensland's Constitution by, firstly, consolidating, as far as practicable, Queensland's constitutional provisions into one act, and, secondly, modernising the drafting style of Queensland's constitutional provisions so that they might be more easily read and understood.

The Parliament of Queensland Bill 2001 has been developed as a companion bill to the Constitution of Queensland Bill 2001 to consolidate the laws incidental to the operation of the Legislative Assembly into one act. I accept that it is necessary to proceed with the Parliament of

Queensland Bill 2001 concurrently with the consolidation of the Queensland Constitution because the existing laws pertaining to the Legislative Assembly are linked to the state's constitutional laws and are also scattered across the statute book.

Consolidation of the state's constitutional and parliamentary laws has been the source of ongoing examination for over eight years by various independent commissions and parliamentary committees. Those various commissions and committees include: the Electoral and Administrative Review Commission 1993; the Parliamentary Committee for Electoral and Administrative Review 1993-94; the Parliamentary Legal, Constitutional and Administrative Review Committee 1996-2001 and the Queensland Constitutional Review Commission 1999-2000.

The principal Queensland acts containing matters of state constitutional significance include: the Constitution Act Amendment Act 1896; Officials in Parliament Act 1896; Constitution Act Amendment Act 1922; Constitution Act Amendment Act 1934; Constitution (Office of Governor Act) 1987; Parliamentary Papers Act 1992 and the Parliamentary Committees Act 1995.

Unlike the Commonwealth Constitution, very few provisions in the Queensland Constitution are entrenched as needing a referendum to change. Those that are entrenched have the provisions and include: the restoration of an upper house and parliament's legislative powers, the three-year term of parliament, altering links with the Sovereign and the office of Governor and abolishing local government. The restoration of an upper house and parliament's legislative powers, the three-year term of parliament and altering links with the Sovereign and the office of Governor are doubly entrenched, that is, the provision for the referendum can only be changed by referendum. The provision for local government is only singly entrenched, that is, the need for a referendum can be changed by ordinary legislation through the parliament. It is noted that, as the entrenched provisions can only be altered by a referendum, this bill only signposts the directions to the entrenched provisions in the original acts. It is also noted that the provisions are retained in their present form and in their present locations, as well as being attached to the end of the bill.

In examining our constitutional history, consideration must be given to what comprises a constitution. A constitution provides the main rules of government. Some of the rules deal with relations between people and the government, and because these rules are so important, a constitution is usually more difficult to change than other laws—and that is how it must be.

Almost every country has a written constitution. The United Kingdom is a well-known exception. In the United Kingdom, all constitutional rules are found in the Acts of Parliament, the common law or the judicial law and well-established practices or 'conventions' of government. In Australia those sources are important, too, but in addition to those sources, there are written constitutions—one for the whole of Australia and one for each state.

The Australian Constitution originally was necessary to bring all parts of Australia together into a single federation in 1901. Earlier, each state had drawn up its own constitution for its own system of government when it achieved self-government from Britain. The constitutions provide the basic framework for government. They outline who has power to govern, and they also outline the limits of that authority.

The Australian Constitution, for example, describes the composition and powers of each of the three branches of government—the legislature, the executive and the judiciary. Frequently, a constitution will include other matters considered particularly important at the time it was framed. For example, the Constitution of Canada protects language rights; the Constitution of Fiji makes provision for the position of traditional rights; and, until recently, the Constitution of Japan banned the use of armed force.

Between 1991 and 2000, the Constitutional Centenary Foundation sought ways to inform Australians about their respective constitutions and the system of government. In the course of the decade the foundation found out a great deal about what Australians think of the existing constitutional system and of the processes of constitutional review and change. As far as the approach to constitutional review and change is concerned, the foundation observed that Australians overwhelmingly support the referendum as a component of the procedure for constitutional change. Australians want to decide if change is necessary and want to have the say on how that change will or will not be managed.

An electronic poll undertaken by the Australian Republic Unplugged on Monday, 19 November 2001, at 1900 hours on the question 'Should state constitutions only be changed by referendum?' resulted in a total of 171 hits, with 145 yes votes and 26 no votes. The result was

that 84.79 per cent voted yes and 15.02 per cent voted no. Whilst this sample is very small, it is reflective of Australians' desire to have a say and be in control of their own destiny.

Prior to 1859, Queensland formed part of the colony of New South Wales. Following a petition from local residents to the government in London—once again people displaying the desire to have a say—a separate colony of Queensland was established on 6 June 1859 by letters patent under the New South Wales Constitution Act 1855. Sir George Bowen was appointed the first Governor of Queensland and a Queensland Constitution identical to the New South Wales Constitution was approved by Order in Council on 6 June 1859.

The Australian Constitutions Act 1850 passed by the imperial parliament in London made basic provision for the government of new colonies. The 1859 letters patent and order-in-council contained more specific provisions and a number of powers were reserved to the Queen, notably the power to disallow any act of the Queensland parliament. Upon becoming a separate colony, Queensland's system of law included both the English common law and statute law as well as New South Wales common law and statute law. Following a royal commission appointed in 1866 to revise the statute law in Queensland, the Constitution Act 1867 was enacted which consolidated the existing constitutional provisions and the 1859 letters patent and order-in-council as well as various enabling provisions which appear in New South Wales and imperial acts of parliament.

The Legislative Assembly Act 1867 was also passed by the Queensland parliament that same year. The Federation of the Commonwealth of Australia on 1 January 1901 united all the colonies as states under the Commonwealth of Australia and established a Commonwealth Constitution as part of an act of the imperial parliament. The states also retained their own separate constitutions. Federation had no immediate impact on the structure of government in the states. The Commonwealth Constitution especially provided that the state constitutions were to continue until altered in accordance with the constitution of the states. However, many of the powers previously available to the state parliaments were transferred to the Commonwealth parliament. Where laws of the Commonwealth parliament were inconsistent with the laws of the state, the laws of the Commonwealth were to prevail to the extent of the inconsistency.

Australia's constitutional process and development as an independent nation-state has been gradual. The Imperial Conference of 1930 accepted that the sovereign would appoint the Governor-General of Australia on the advice of the Australian Prime Minister. In 1985-86 joint legislative action by the Australian states, the Commonwealth and the United Kingdom parliaments known as the Australia Acts 1986 finally established the Commonwealth of Australia as a sovereign, independent, federal nation. Since the passage of the Australia Acts, the only significant constitutional links to the United Kingdom which remain unaltered are the appointment of the Governor-General by the sovereign on the advice of the Prime Minister as well as the appointment of state governors by the sovereign on the advice tendered directly by the relevant state Premier. The Australia Acts ended British governmental authority over any part of Australia and ended the right of appeal to the Privy Council. The acts were also historic in setting self-government powers and status on the states.

The next significant event in the constitutional evolution of Australia was a Commonwealth referendum which took place in November 1999. As all honourable members are aware, Australians exercised and voiced their democratic rights and overwhelmingly voted to maintain the status quo. In democracies, constitutions have additional significance if they draw directly on the authority of the people. The idea that a constitution draws its authority from the people is an important principle. It is important in practice, too—that is, where the constitution can be changed only with the approval of the people.

The latest United Nations human development report indicated that on a wide range of measures—life expectancy, adult literacy, education and GDP based on the purchasing power of the relevant currency—constitutional monarchies were outstanding. In fact, the first five countries listed on the United Nations human development index were all constitutional monarchies. Those countries included Norway, Australia, Canada, Sweden and Belgium. Constitutional monarchies were amongst the most stable and democratic countries in the world. Of the first 10, seven were constitutional monarchies. The others were the United States, Iceland, the Netherlands, Japan and Finland. They were followed by Switzerland, Luxembourg, France, the United Kingdom, Denmark, Australia, Germany, Ireland, New Zealand and Italy. In none of the republics was it easier for the Prime Minister to dismiss the president than his cook, as the Australian republicans proposed in 1999.

Presently, the National General Assembly of Local Government 2001 is under way. It is interesting to note that on the agenda are three resolutions from the Australian Local Government Association itself, the Western Australian Municipal Association and the city of Whitehorse in Victoria, all seeking constitutional recognition of local government. It is impossible to predict how the constitutional debate will unfold in Queensland or in Australia in the future. Whatever happens, it is certain, and there is widespread recognition of the fact, that the people have the right and should have the opportunity to understand their own constitutional system and be engaged in decisions about its future. This level of understanding and involvement will continue and can be expected to grow. The people's voices, rights and wishes must be respected. In acknowledging the people's voices, rights and wishes, a government can truly show its understanding of responsible government, accountability and democracy.

**Hon. M. J. FOLEY** (Yeerongpilly—ALP) (Minister for Employment, Training and Youth and Minister for the Arts) (3.14 p.m.): I believe that the three great tasks of constitutional reform facing our community are the establishment of an Australian republic, constitutional recognition of the prior indigenous ownership of this land and adjacent seas, and the enactment of a bill of rights to safeguard fundamental human rights and freedoms. These are my own views. I do not put them forward as the views of the Queensland government. The bills before the House merely consolidate and simplify the existing law. That is worth doing. Goodness knows it has taken us all long enough to get this far. The past 12 years have seen the labours of the Electoral and Administrative Review Commission, several all-party parliamentary committees, a Constitutional Convention, a Queensland Constitutional Review Commission and various rounds of consultation. At last we are here. We are at the beginning. After this long journey, we have reached the beginning.

These bills clear away a tangled thicket of imperial and colonial legislation, letters patent for the Governor and the order-in-council of 1859. This clarification removes the convenient alibi of complexity which has delayed state constitutional reform for too long. Now there is no excuse. It is crystal clear. The constitutional law of Queensland is spelt out in all its manifest absurdity. Most absurd is the stark provision that the parliament of Queensland consists not merely of the elected Legislative Assembly but also of the unelected Queen or King for the time being. The Crown thus not only embodies the executive but is also a constitutional part of the legislature. The Crown is a constitutional part of the power to make laws, embodies the executive's power to administer laws and signs the commissions appointing judges to hear and determine disputes according to law. This is undemocratic. It should be changed by referendum.

In a democracy power flows from the people, not from a divine right of kings. In the Legislative Council chamber nearby, the regal claim of divine right—Dieu et Mon Droit—is made below the symbols of the lion and the unicorn. The stark absurdity of this claim is apparent to all schoolchildren who visit these gilded halls. Painfully absent from the bills before this House is any reference to the rule of law prevailing in this state and its waters for many millennia. It is a mark of our immaturity that our Constitution stands mute and absurd towards its predecessors. Here in our Constitution—of all places—we should face up to the truth of prior Aboriginal and Islander ownership of this land and its seas.

The courts have done it in the Mabo case and subsequently. This parliament has done it through the Aboriginal Land Act and the Native Title Act. Why not here? Why not spell it out in the Constitution, the instrument which sets out the font and origin of lawful power in this state? This task will require humility. It will require imagination. It will require an honesty to face up to a different way of seeing the world. Consider, for example, the huge challenge facing the original Supreme Court judge hearing the Mabo case in coming to terms with the evidence of indigenous ownership on the island of Mer. Justice Moynihan wrote as follows in his judgment of the enormous difficulty in reconciling two profoundly different systems of law and different ways of looking at things—

> A culture of which it can be said 'everything is owned—land, reef, rocks, stones, stars, winds, tracts of sea—and the names of those things are severable and may be separately transferred, a man in telling the stories of the island may speak for what is his and no more' apparently has a different concept of cosmology and of ownership to that from which I come.

We should expressly recognise in our Constitution the existence of the indigenous rule of law and systems of ownership of land and sea. This process is not just the business of lawyers or politicians; it is everybody's business. It is the business of the head and the heart. The great Queensland poet Judith Wright put a similar challenge in her poem *Reason and Unreason* when she said—

When I began to test my heart, its laws and fantasies, against the world, the pain of impact made me sad. When heart was curved the world ran straight. Where it lay warm the world came cold.

Justice Brennan made the point eloquently when the Mabo case came before the High Court. He said—

Whatever the justification advanced in earlier days for refusing to recognise the rights and interests in land of the indigenous inhabitants of settled colonies, an unjust and discriminatory doctrine of that kind can no longer be accepted. The expectations of the international community accord in this respect with the contemporary values of the Australian people.

Our Constitution is a statement to ourselves and to the world at large about who we are and how our state works. Many would find it astonishing that the Constitution does not contain any statement as to the fundamental rights and freedoms of the citizens of our state. This is not a merely academic question. Recent events in the Pacific highlight the fragile nature of constitutional rule and the need for a fundamental statement about the rights and freedoms of individuals.

A modest start down this path was made by the Queensland parliament in the Legislative Standards Act. That gave a safety net to require that Queensland legislation should have sufficient regard to the rights and liberties of individuals and the institution of parliament. Section 4 of that Legislative Standards Act further indicated that whether legislation had sufficient regard to the rights and liberties of individuals depended on whether the legislation complied with a number of principles, such as whether it is consistent with principles of natural justice, whether it reverses the onus of proof in criminal proceedings without justification, whether it confers power to enter premises and search for or seize documents, and so on.

As far back as 1993 the Electoral and Administrative Review Commission recommended a bill of rights for Queensland. This is a very good model for enactment. Much useful work was done by the all-party Legal, Constitutional and Administrative Review Committee of the 48th and 49th Parliaments. However, they fell into grievous error in rejecting EARC's recommendation for a bill of rights in their 1998 report. Nothing that has happened since then should inspire confidence that fundamental rights and freedoms are so embedded in our law and culture that they do not require the support of a bill of rights. Many other democratic nations of similar history have adopted bills of rights—the United States of America, Canada, New Zealand and, most recently, South Africa.

While I support a bill of rights for the Commonwealth of Australia, I do not believe we should wait until the uncertain day when that eventuates. The Commonwealth parliament has to rely principally on its external affairs power to ground a bill of rights. The Queensland parliament has no such impediment. We take pride that we live in a free society. We teach our children that democratic values underpin the rule of law. So why not spell it out in law?

The silence of the Queensland Constitution on fundamental issues of human rights and prior indigenous ownership relegates it to a document bound to be ignored by the community at large. The Queensland Constitution does not engage community interest precisely because it does not speak to the very issues which require clear civic leadership—a republic, prior indigenous ownership and a bill of rights. I support the bills before this parliament. The passage by this parliament of these consolidating bills will enable the community debate of these issues of constitutional reform to begin in earnest.

**Mr WELLINGTON** (Nicklin—Ind) (3.24 p.m.): I rise to participate in the debate on the Constitution of Queensland and Parliament of Queensland Bill. In particular, I refer to the minister's second reading speech, in which he referred to the democratic convention that requires the Governor to act in accordance with advice from his or her ministers. He also referred to the Queensland government foreseeing a day when the Australian head of state is popularly elected by people of this state and the nation.

I take this opportunity to put on the public record my support, respect and admiration for our current Governor, Governor Arnison, and his wife. I believe that Governor Arnison and his wife are also held in very, very high regard by all Queenslanders for the dignified way in which they conduct themselves wherever they go.

My question to the minister is: in light of his government's view on the appointment of a person to the position of the Australian head of state, what is the government's view on the continuation of the current method of appointment of successive governors in Queensland? I endorse the bill. I will wait to hear the minister's reply to the second reading debate.

**Mrs LAVARCH** (Kurwongbah—ALP) (3.25 p.m.): The Queensland Constitution is about to get a facelift in the two bills we are debating today, the Constitution of Queensland 2001 and the Parliament of Queensland Bill. Our state's constitutional arrangements are being consolidated into a relatively readable and accessible form, and this is to be warmly commended. However, the 'vibe'—to borrow from that very clever Australian movie *The Castle*—of the state's Constitution is to remain essentially the same. Indeed, the express wish and mandate for the various reviews and commissions established to look at updating our Constitution was not to reform our constitutional laws but, rather, to group them together and remove some of the expressions of the 1860s which today seem quite quaint, if not completely meaningless to all of us.

Those who yearn for a constitution which inspires us with its language and captures the beliefs which unite us as a people would view the work of EARC, LCARC and the Queensland Constitutional Review Commission on Queensland's constitutional arrangements as being characterised by timidity. But these bodies cannot be criticised for the result of their work as they were merely and properly carrying out their terms of reference. Their work was to examine the constitutional arrangements with a view to modernising, not altering them. To be able to reform and alter our constitutional arrangements at both a national and state level, we have to overcome the timidity of our political and public debate about the Constitution and its relevance to Australia and Queensland respectively in the new century.

These two bills combine constitutional provisions which are currently housed in 15 acts of parliament. As such they are valuable, as they allow the Queensland citizen the opportunity to at least find our Constitution. The mandate of the bills also goes to redrafting the provisions into a contemporary drafting style which is plain English based. Given the importance of the Constitution as the state's fundamental law, both of these reforms are worth while and deserve strong support.

The members of LCARC over two successive parliaments are to be congratulated, as they comprehensively and dispassionately carried out the review tasks assigned to them. I understand that the bipartisan efforts of LCARC are to be rewarded by these bills receiving cross-party support here today. I will not go to the actual provisions of the bill, as they expressly do no more than consolidate and improve the expressions of the existing law. However, what the bills do not do is attempt to re-enact several key provisions of the existing constitutional arrangements, and it is worth mentioning these in this debate.

The key provisions which are not being re-enacted are: those provisions which are doubly entrenched and hence need a referendum to be repealed and re-enacted in the new bill; sections 30 and 40 of the Constitution Act 1867, which deal with unallocated state lands and which it is believed might be a future act for Commonwealth Native Title Act purposes if first repealed and re-enacted in a contemporary form; and those sections of the Supreme Court and District Court Acts which go to the mandatory retirement age of judges, it being feared that to repeat these provisions in the new Constitution might be inconsistent with the Anti-Discrimination Act. As a result of these constraints, the Constitution of Queensland 2001 does not repeal the entirety of the former Constitution acts but instead saves and has as attachments these provisions. While this outcome is a reasonable compromise in terms of the accessibility goal, it is a pity that we could not have all constitutional provisions in the one document. I accept and understand the arguments as to why the entrenchment provisions have not been repealed and re-enacted, but I think we may have been a little overcautious where the other provisions are concerned.

Another point I would like to raise is that the Constitution will still not incorporate some vital constitutional ingredients, and for this reason it will still not be a document that can be picked up, read and the workings of government in Queensland instantly understood by the reader. What I mean here is that the Constitution does not attempt to codify the unwritten rules or conventions which make the system work in reality as opposed to what is said in black and white on the pages of the Constitution. A good example of this is chapter 3 of the Constitution of Queensland Bill 2001 which deals with the role of Governor.

To the uninitiated person who takes the reasonable step of reading the new Constitution in order to gain answers about how government works in Queensland, these provisions would clearly tell a story that it is the Governor who calls all the shots. After all, the written word tells the reader that it is the Governor who decides who is a minister and for how long that person will be a minister. It is the Governor who says when parliament will sit and when parliament will be dissolved.

Of course, we all know that the system does not work like this at all. It is the Premier and the cabinet who make these and other crucial decisions about the administration of government, not

the Governor. The Governor exercises these great powers given by the Constitution in accordance with the unwritten constitutional conventions, the most important convention being that the Governor acts on the advice of the Premier and the ministers. Of course, there may be occasions when the Governor will not act on the advice of the Premier. On these occasions the Governor is exercising so-called reserve powers which give the Governor a constitutional umpire role and not merely a symbolic role. A good example of this occurred when Sir Joh Bjelke-Petersen bunkered himself down in the Annexe and tried to dismiss ministers and appoint new ministers in his death stoush with Mike Ahern. The then Governor exercised some discretion and did not respond to the advice of a Premier who had apparently lost the confidence of the majority of his own party and hence the majority of parliament.

The new Constitution leaves these murky waters of reserve powers well alone and does not attempt to clear the waters by expressly providing that the Governor acts on the advice of ministers except in cases of the exercise of reserve powers. While I could appreciate the difficulties which would be encountered in trying to codify reserve powers, it may have been beneficial to attach to the bill the relevant provisions of the Australia Act to give readers clear signposts as to the workings of the Constitution and government.

Let me conclude by talking about the future of constitutional reform in Queensland. In its report, the Queensland Constitutional Review Commission made a number of recommendations which went to matters beyond the useful but safe ground of consolidation and modern drafting of constitutional arrangements. These suggested reforms have been put aside while the consolidation process has been taking place and hopefully will not become forgotten.

I note that the Premier, in his second reading speech, gave a clear indication that the proposal for four-year parliamentary terms will be put to the people of Queensland. One area where the Queensland Constitutional Review Commission did not venture was the issue of removing the constitutional monarchy and adopting a republican system. Now is not the time to debate the move to a republic. However, I do note that the Premier remains committed to the view that should Australia become a republic we should have a popularly elected head of state.

With the re-election of the Howard government, it is safe to say that it will be a long time before the republican debate joins the agenda of a federal government. However, it is my belief that it is possible for the states to embrace the republican ideal while still remaining a constitutional monarchy. There is a view that the method of appointing a state Governor can be reformed to demonstrate that the move to a republic can occur safely and with popular support. This view sees the proposal that the Governor be appointed in accordance with the constitutional conventions, that is, that the Queen will appoint as Governor the person recommended to her by a Premier but the selection process is opened up to the public. It is thought that if we had a new method of appointing the next state Governor we might be able to reactivate public engagement in our constitutional arrangements.

It is suggested that this process could be opened up to the public in a number of ways. A minimalist approach would be for the Premier to consult on the nominee with the Leader of the Opposition and place the nominee before the parliament for a confirmation vote. Ideally, the candidate's nomination would be moved by the Premier and seconded by the Leader of the Opposition in the same way as a Senate vacancy nomination occurs. If, however, the desire is to directly engage the public then a variation on the public nomination and selection committee model as proposed in the unsuccessful republican referendum could be tried. This would see both public and parliamentary involvement.

As a supporter of popular election, the Premier might want to canvass having a popular and directly elected Governor. Possibly the election could be held in conjunction with the state's set local government elections in 2004. Rules on the conduct of the election could be developed in the meantime. It is believed that any one of these proposals could be implemented without a referendum as the constitutional monarchy is being retained. It is only the method by which the Premier formulates his recommendation for appointment to the Queen which would be altered. As far as I can see, there is no legal or constitutional constraint on how the Premier may reach his decision, but I am sure that the experts may have something to say in relation to this.

I raise these proposals or, if you like, suggestions today as I believe they are well worth considering, debating and, if possible, progressing. In order to progress the idea the government might ask LCARC to report on different options and whether there is a need to deal with the constitutional conventions or the exercise of reserve powers. Further, this might be a matter that Labor state governments could discuss together in order to determine if a common approach or

at least an investigation into such proposals might be commissioned by the states. I would be very interested to hear what others think about this and whether there are any views on whether there are any legal and constitutional impediments to changing the selection process for a Governor.

Notwithstanding the points I have raised in this debate, I believe the facelift that these bills give to our constitutional arrangements in Queensland is timely and commendable. The consolidation and modernisation of language gives our Constitution properties it currently lacks, namely, accessibility and readability. I congratulate EARC, LCARC and the QCRC, as well as the Premier and his department, on the work that has gone into this exercise.

**Mrs SHELDON** (Caloundra—Lib) (3.37 p.m.): The Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001 revise, of course, the Queensland Constitution. The Queensland Constitution is spread throughout the statute books, and many of the state's constitutional provisions are not drafted in accordance with modern drafting practice and are expressed in antiquated language.

The Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001 largely consolidate the unentrenched constitutional provisions and redraft them in modern, clear language. The two bills also add worthwhile matters. They clarify the rules relating to the qualification and disqualification of members of parliament. They clarify the powers, privileges and immunities of the parliament, particularly its power to punish for contempt, which I will speak about in more detail later. They provide statutory recognition for the first time of cabinet, and they express statutory recognition for the first time and explain the role of ministers of the state. The main things I wish to address are the matters within the Parliament of Queensland Bill that affect the powers, privileges and immunities of the parliament and reflect many of the recommendations of the last two Members' Ethics and Parliamentary Privileges Committees, of which I have been and am a member.

Firstly, I would like to speak about removing the link to the UK. Under the existing law, the Queensland parliament's privileges are linked to the Westminster system. A UK parliamentary committee, the House of Lords and House of Commons Joint Committee on Parliamentary Privilege, made recommendations last year which, if the House of Commons adopts them, will alter the powers, rights and immunities of the House of Commons. This would create uncertainty for the Queensland Legislative Assembly because section 40A of the Queensland Constitution Act links the powers, rights and immunities of this Assembly to those that apply for the time being in the House of Commons. In other words, the powers, rights and immunities of the Legislative Assembly are directly linked to the House of Commons. Any changes to its powers, rights and immunities which are made by the House of Commons may immediately and automatically apply to the Legislative Assembly without any detailed consideration of such changes by the Assembly, which, of course, is our parliament.

The Members' Ethics and Parliamentary Privileges Committee recommended that it is not appropriate that the Legislative Assembly's powers, rights and immunities be able to be substantially changed without any detailed discussion or consideration by the Assembly itself. The committee, therefore, recommended in its report No. 26 that section 40A be amended to provide that the powers, rights and immunities of the Queensland Legislative Assembly, its members and committees are those that applied in the House of Commons as at the date of Federation, 1 January 1901. In its report No. 34, the committee recommended that the amendment to section 40A of Queensland's Constitution Act be expedited; if necessary, separate from the wider constitutional review which was being conducted at that time by the Queensland Constitutional Review Commission. A bill was introduced that lapsed with the last parliament.

The committee welcomes the government's acceptance of the committee's recommendations as contained in the Parliament of Queensland Bill. This bill provides that the powers, rights and immunities of the Queensland Legislative Assembly, its members and committees are those that applied to the House of Commons as at the date of Federation, 1 January 1901. This ensures that the powers, rights and immunities of the Legislative Assembly are not altered without reference to the Assembly.

I will now say a few words regarding contempt. The Members' Ethics and Parliamentary Privileges Committee in its report No. 26—the first report on the powers, rights and immunities of the Assembly, its committees and members—tabled in January 1999, made a number of recommendations which have been incorporated into the bills before the House. The most

important is clarifying the meaning of 'contempt' and the assembly's powers to deal with contempt, including by fine.

These bills are largely the result of the work of two parliamentary committees, LCARC and, as regards privileges issues, the Members' Ethics and Parliamentary Privileges Committee. I congratulate the members and staff of both those committees. I think they should be recognised for the work they have done and for the way both committees have worked well together. Mention also needs to be made of both the LCARC and Members' Ethics and Parliamentary Privileges Committee staff because without their guidance and expertise we could not have come to the definitive decisions we have made. The parliamentary staff of LCARC include Neil Laurie, David Thannhauser and Kerryn Newton, and the parliamentary staff of the Members' Ethics and Parliamentary Privileges Committee include, again, Neil Laurie—who has played a fundamental role in both of those committees—Meg Hoban and Sandy Musch.

I commend the bill and say that, as members of a parliamentary committee, we are very pleased that the government has sought to take notice of our input—as, indeed, we hope governments will. I see that the member for Mansfield agrees with me. I certainly support the bill.

**Mr FENLON** (Greenslopes—ALP) (3.45 p.m.)**:** 'I invoke the genius of the Constitution', William Pitt, Earl of Chatham, said. But what are we to invoke now? What are we to invoke from our Constitution? What are we to use it for? For how long is it to be used? For what purpose is it to be put in the future? Indeed, constitutions throughout the world have always been seen as a locus of state power and have held that fascination. Indeed, the theorists who look at these things—indeed, the instrumentalists of that persuasion—have always gone too far in terms of looking at the Constitution, not the parliament, as the fundamental source of power in the state.

There are many other sources, but the Constitution certainly does sit as a centrepiece of state power. It is the centrepiece of our social and political life and it is, indeed, the fundamental centrepiece of all of our laws. It is, therefore, a very important part of our life. It is a great tragedy that it is not well known throughout our community. I will touch upon that shortly.

Indeed, the Premier in his second reading speech referred to the Constitution as our fundamental law of the state. It is a law which must serve us across time and it must serve us for a very long time. It will be the subject of significant interpretation and reinterpretation in terms of establishing whether this House can validly pass laws and, indeed, whether laws, once passed, have any basis.

Also, it is a law that will perform over time as a very important vehicle in our federation, to work in parallel with our Commonwealth Constitution. It is, therefore, one of the most fundamental laws in terms of the overall operation of this country, its borders, its trade, its commerce and its social and civic life. For all of those reasons, it is a very important law.

My colleague the member for Yeerongpilly spoke earlier about further reform in relation to the Constitution. This is a matter that will continue to exist on our agenda for some time. The member for Yeerongpilly might hold different views from mine on matters such as the insertion of a bill of rights into those laws. I have always had the view, even though I belong to a party of reform, that we must err very conservatively in terms of inserting new apparent rights within our Constitution.

This particular law, in establishing a draft which brings together a range of laws and practices currently in place in terms of government in Queensland, does err fairly conservatively. It attempts to combine what exists in writing in our laws and what exists in practice, and hastens conservatively in terms of attempting not to step too far beyond those areas. Where it may go close to the edge on some matters—and I will not enumerate those within the time available—are those areas where our current Constitution, as it exists within various acts, is often unclear, out of date or archaic; for example, in terms of the operation of this parliament and the way in which the current practices are brought together in terms of the parliamentary bill and the Constitution bill.

It is an important document to simply settle in that way to ensure that we have a document that is workable over time. As I said, the Constitution is largely unknown. That is a very great tragedy and I am very pleased that the Premier has signalled 6 June next year as the starting date for accompanying educational materials and the commencement of this new Constitution. LCARC, which I was very proud to chair through some of the period of the 49th Parliament in reviewing the Constitution draft bill and the parliamentary draft bill, took a very strong view—which I am pleased to see has been taken note of and accepted in the Premier's statements—that we have to do a lot more to educate Queenslanders about their fundamental law. If we ask the public, it is not very hard to find people who do not even know that we have a separate

Constitution. That fact is a tragedy in itself, because if people do not understand that, they fail to understand the origins of this country and they fail to understand the origins of our federation and the residual powers that remain from the act of Federation with the states.

The words peace, welfare and good government that exist in our state constitutions are simple but powerful words, because essentially they say that this parliament has enormous power to enact within areas—and areas unforeseen by us—that are not covered by the Commonwealth Constitution. That simple fact should be conveyed very widely to the general public and to our children in our schools. When I visit schools after they have visited this parliament, I go to great lengths to talk about the separation of powers as a fundamental principle, and indeed that fundamental principle is embodied within this legislation. I am also at great pains to talk to them about the existence of the Constitution. Via that discussion, children—and indeed the wider community—will understand our heritage, the origins of our state and our Constitutions.

I will not go through the long and complicated sequence of events that transpired over almost a decade that led to the presentation of these pieces of legislation today. But one element that I do not think has been picked up fully today is the fact that this legislation will not be conclusive until there is a final referendum to separate the entrenched provisions. As we have heard, these bills contain entrenched provisions within the shell of their original legislation. This was a necessary process. It was a departure from the recommendations of LCARC of the 48th Parliament. It was also the fundamental departure when the 49th Parliament reported in its final report No. 24 dated July 2000 in relation to the consolidation of the Queensland Constitution. In that report and in my foreword, I referred to the need for a referendum. We went through an interesting process of reasoning in examining the way in which we could do this in terms of leaving these entrenched provisions. For my own shorthand purposes and in working through this process, I will refer to it as a parallel universe idea, that we would have the same things existing in different places, essentially, but in a real sense. So we have the fundamental, entrenched provisions within the act—still in the shells of their original legislative frameworks—but also existent now within the full and final consolidated draft of this legislation.

As a final exercise, I think it is important that this referendum occur. I urge the Premier to consider that at a future point in time. I am sure that when we get to that point, with goodwill from this parliament and the parties on a unanimous basis, we will see an effective referendum and I am sure that it will be well accepted by the Queensland people. I commend the Premier and all the staff behind the Premier in bringing these bills to the House. I thank those many members who have been on the previous committees and the staff of those previous committees who have worked so hard to bring this very important legislation to this House. I believe that this legislation will provide a focus for reform and a clear foundation as to what our laws are currently so that we can indeed hasten slowly and hasten conservatively and carefully in terms of future reform of this very important fundamental law of Queensland.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (3.54 p.m.): In rising to speak to this consolidation of the Constitution and parliamentary bills—and, of course, they are non-entrenched provisions—I want to make a couple of comments and ask a couple of questions. As the member for Beaudesert said, I believe that some people would be disappointed that this legislation is not amending the original Constitution and, in turn, retaining the year 1867 as part of the current legislative program—our legislation—because that early date is a sign of the longevity of our democratic history, the life of that democracy and the practice of that democracy. Many countries would be envious that a document such as our Constitution has been able to stand appropriately for such a long time.

The member for Greenslopes referred to the fact that changes to the Constitution of Queensland need to be done conservatively. I believe that the people who formulated the original Constitution, whose hearts were for the people of Queensland and for the democratic processes, have ensured that the document has stood the test of time. Although its language may be archaic, I believe that its principles have withstood the test of time and the tests of democracy that have occurred over such a long time. This bill does not replicate the entrenched provisions. Although I read in one of the briefing notes the reason for that in terms of the ability to question this parliament's interference in the entrenchment of those provisions, I believe that retaining them in the previous Constitution legislation recognises the importance of the people's vote.

Although it has been said in this chamber that people generally do not understand or do not know much about their Constitution, if we are in discussion with them we would find that the things that they will vehemently defend are those elements that are currently entrenched in our

Constitution. People believe very strongly in their right to have a say in some of the fundamental issues of governance in Queensland.

I would like to comment on a couple of elements of these bills. One of the things that has been omitted is the mandatory retirement age of 70 years for judges, which is currently prescribed by section 23 of the Supreme Court Act of Queensland. It has been stated that that provision was not transferred to this legislation because of the potential for it to contravene the Anti-Discrimination Act. Whilst I accept that and although the Premier in his second reading speech said that it is one of the issues to be referred to LCARC, I believe that for a position as important as the judiciary, there have to be indicators—not necessarily actions of a disciplinary nature—that there are members of the judiciary who have failed to have regard to the norms of society. I do not mean that in a moral sense; I am talking about the norms of behaviour. We have judges who are well under 70 years of age who make statements such as—and I have referred to this comment in the House previously—rougher than usual handling in relation to a relationship between a husband and a wife when the wife has alleged that the husband has raped her. I believe that a judge who makes a comment like that is clearly out of touch with the community and is clearly out of touch with what society accepts as being appropriate behaviour irrespective of the relationship. Whether that judge was 70 years old or 30 years old, there should be some mechanism to be able to correct such an inappropriate interpretation of relationships. So I believe that it is important that we have issues such as the compulsory retirement age for judges reviewed not only in as impassioned a perspective as possible and in an objective manner but also in recognition of the impact that people in such an important role can have on individuals' lives and their quality of life.

I seek clarification from the Premier on the clause relating to the removal of a member's seat when it becomes vacant. The words in the clause I wish to highlight are 'where there is an apparent vacation of the seat when the Assembly is not sitting'. I will raise this matter with the Premier at the committee stage if he does not cover it in his reply. There are always rules and regulations covering when a member's seat becomes vacant, whether it is due to his or her not being re-elected or as a result of certain conduct by that member. I believe the words I have highlighted could be a new provision. I ask the Premier to confirm whether it is a new provision or whether one of the old provisions has been brought across. I have looked in the original bill but have not been able to clarify the position.

I want to mention my disappointment at the retention, in the notes section at least, of the recent changes to the Local Government Act whereby councillors have to resign if they want to contest a seat in the Legislative Assembly. Members of local government continue to raise concerns about the discrimination that this enshrines into Queensland legislation. This requirement means that councils incur additional unnecessary costs. The same net result could be achieved by the councillor being required to stand down from the position, as are currently government employees, and it would disavow the cost incurred to a local government if a mayor or councillor is not successful at a state election and they then stand for their former position at the by-election necessitated by this requirement. It is unnecessary. It is an added cost to local government and therefore to the community. It is disappointing that it is retained in the Parliament of Queensland Bill.

The other matter at which I wish to express some disappointment—although I know it will not be shared by the majority in this chamber—is the introduction of a new element to the Constitution of Queensland, namely, the recognition of the cabinet. I agree that this is recognising the current reality in our parliamentary process. However, the original Constitution of Queensland did not recognise political parties because, at that time, members were elected without political affiliations for the benefit of all Queenslanders. It is a very well-worn mantra at election time, whether it is a local government, state government or federal government election, that voting for an Independent is a wasted vote. It happened at the last federal election. It is a myth. It is a fallacy. Members of our community, in Queensland and in the federal sphere, have recognised the erroneous nature of those claims by the major parties.

The fact that the party political system has gained dominance in our parliamentary process over many years does not have to be reflected in the Constitution and has not previously been reflected in the Constitution. It was able to be accommodated by the 1867 Constitution without any compromise to either the aims and intents of the Constitution or the operation of parliament. The formal recognition of cabinet, consisting of the Premier and a number of other ministers, confirms the party political process in our Queensland governance. It is not necessary. At recent elections in this state, there has been a recognition by voters in certain electorates that

Independents can and will work effectively for their constituency. On that basis, I believe that the recognition of the cabinet in our Constitution is unnecessary and disappointing. I would be interested in hearing from the Premier the extent of public consultation on the recognition of cabinet in this bill. Quite rightly, there was extensive discussion with a number of groups over a number of years and across several different governments. I would be interested in the specific attention given to this provision in that process.

Whether or not people are directly familiar with the wording and the detailed contents of our Constitution, they value the freedoms that it confers on them as Queenslanders and, ultimately, as Australians. They protect very dearly, when they are challenged, the rights and freedoms conferred on them under our Constitution. It is incumbent on us as members of this chamber to make any changes to the Constitution with care, diligence, and primarily with concern about the impact of those changes on members of our community, their rights and their freedoms. Therefore, as at least one other member has said previously, changes to these documents have to be made carefully and conservatively, and they must always, as a first priority, have the best interests of our community at heart.

**Hon. J. FOURAS** (Ashgrove—ALP) (4.06 p.m.): I am pleased to join this debate, which has two purposes. The first is the consolidation and clarification of the legislation relating to the Queensland Constitution. The second is the consolidation of laws regarding the functioning of the Legislative Assembly. The history of the path to the privileges and independence of our parliament rests in understanding the role of the Speaker. The Speaker originally was a messenger from the parliament to the Crown. Progressively, Speakers decided that they needed to be there to protect the parliament. In the time of Charles I, Speaker Lenthal stood up to the king. That was the first recognition that the Speaker of the parliament was there to represent the interests of the people. I think a knowledge of our history is very important. We need to do more about civic education. Our Constitution is very largely unknown. We need to do something about that. We ought to be making more effort, as the Americans do, to help people understand how our Constitution works and how our parliaments work.

Our history is our roots. If you know where you have come from, you ought to know where you are going. It is interesting to understand how hard won were the privileges we have in this parliament. One has to go back to the time of Charles I, when parliamentary privilege was won through the blood and carnage of the English Civil War. The supremacy of the parliament was finally established in 1688 through the Bill of Rights of King William and Queen Mary. Since that time, the three pillars of parliamentary democracy in a free society have been parliament's privilege of free speech, the parliament's power of the purse and the parliament's sovereign power to make laws binding on the Crown and citizen alike. That is fundamental. The battles to achieve the privilege of free speech in the 17th century have a direct bearing on the Queensland parliament today.

Colonial legislatures, including Queensland, did not, by virtue of their ancestry, automatically inherit all the rights and privileges of the imperial parliament. The Parliamentary Privilege Act 1861 conferred upon the Queensland Legislative Assembly a restricted power to punish summarily for certain enumerated contempts. Later these provisions were transferred to the consolidated Constitution Act 1867. This act was amended in 1978 by the insertion of section 40A. That section provides that the powers, privileges and immunities of the Legislative Assembly, its members and committees are those defined by statute and, until defined by statute, are the same as those enjoyed by the House of Commons, its members and committees. As we understand, the Queensland parliament has not comprehensively defined its powers, privileges and immunities by statute. Therefore, in most cases when an abuse of privilege arises in Queensland, regard must be had to the precedents of the House of Commons.

An issue I want to address in relation to the large number of issues in these two bills is contempt. Contempt of parliament is the name given to offences against the House. Every breach of privilege is, strictly speaking, a contempt of parliament. The term 'contempt' includes any offence of the dignity of the House or interferences with its processes. The following are examples of matters held to be contempts by the House of Commons: premature publication of reports of select committees, attempts to influence members in their parliamentary conduct by bribes or threats, speeches or writing defamatory of the House or particular members of the House in respect of their conduct as members—and it will be interesting to see how the media treats that one today—and deliberately misleading the House or a committee.

The Constitution Act of 1867 does three important things in relation to contempt of parliament in Queensland. Actually, it empowers the parliament to deal with a number of specified

contempts by way of fine, allows the Speaker to issue warrants and enables the Legislative Assembly to refer a contempt to the Attorney-General to be prosecuted by the Supreme Court. Section 2 of the Parliament of Queensland Bill deals with contempts. It provides definitions of the meaning of contempt of the Assembly and gives examples such as assaulting or obstructing or insulting members, sending a challenge to fight a member, sending a threat to a member, offering a bribe—and they are specifically mentioned—and the processes of how the Legislative Assembly can deal with this contempt are fully set out in a much clearer way in the parliament. It should be noted, of course, that section 39(1) provides that—

The Assembly has the same power to deal with a person for contempt of the Assembly as the Commons House of the Parliament of the United Kingdom had at the establishment of the Commonwealth to deal with contempt of the House of Commons.

That is as of 1 January 1901; it is an ever-changing feast. This is the situation. Further, section 47 (1), 'Other proceedings', provides—

If a person's conduct is both a contempt of the Assembly and an offence against another Act, the person may be proceeded against for the contempt or for the offence against the other Act, but the person is not liable to be punished twice for the same offence.

(2) The Assembly may, by resolution, direct the Attorney-General to prosecute a person for the offence against the other Act.

It should also be noted that the Criminal Code provides offences for a number of actions which may also constitute a contempt of parliament. It is interesting to read comments about how the media see the powers exercised by this parliament; the powers to fine and to jail. In the *Adelaide Law Review* in 1984, Sally Walker stated—

The powers which may be exercised by Australian Houses of parliament are not insignificant and contempt of parliament is a source of potentially arbitrary power which is subject to little supervision by the courts. Hence, despite the fact that houses of parliament rarely exercise their powers, journalists are justified in perceiving contempt of parliament as a source of restraint on their freedom to inform.

It is worth while noting these comments and it is my view that the powers of parliament to deal with contempt should be strictly limited to self-preserving powers. For example, while it is contempt to publish prematurely reports of select committees, the issue is that the public has the right to know, and one must understand that that is the way the media sees it. The public has a right to know. Although it is unethical for a member to leak a report, it is not such a serious matter that the public knows about it, and I do not think that it interferes with the working of parliament at all. It is important that we note that. There are a large number of issues.

I am pleased that this bill brings together laws regarding the Legislative Assembly and sets out the functions of Speakers and committees et cetera. I am pleased to see that we are halfway to making sure that our Constitution and some of our workings here are much more contemporary. I commend this bill to the House.

**Mr QUINN** (Robina—Lib) (4.15 p.m.): The Constitution of Queensland Bill has had a long history over the past eight years. Various independent commissions and parliamentary committees have examined the consolidation of the provisions of the Queensland Constitution. It has been based upon work achieved by the Electoral and Administrative Review Commission, the Parliamentary Committee for Electoral and Administrative Review, the Legal and Constitutional Administrative Review Committee and the Queensland Constitutional Review Commission in conjunction with widespread public consultation. It appears to be the intention of the government with regard to this legislation to make the Constitution more accessible to Queenslanders by modernising the language used to make it easier to understand. The other primary objective of the bill is to consolidate all the relevant constitutional provisions into one act, and both objectives are commendable.

It will make the study of the Queensland Constitution easier from an educational perspective and it will also make sure that all Queenslanders have the right to understand the Constitution under which their government derives its legitimacy. The Constitution of Queensland Bill 2001 will provide legislation that covers our parliament, the judiciary and the executive of this state. While the Constitution is the fundamental law on which we are governed, there has been no consolidated or single act of parliament that establishes all of our constitutional arrangements since 1867.

This change will also see the Constitution recognise terms that we take for granted in our everyday activities such as 'Queensland cabinet', 'Premier' and 'minister'. As the Premier mentioned in his second reading explanation, this bill also enhances the independence of the judiciary. It will clarify the means by which a judge might be removed from office. Unlike the

federal Constitution, which requires a referendum before any section can be amended, only a limited number of entrenched provisions in the Queensland Constitution would require a referendum before amendment. It is wise not to place the entrenched provisions in this act as they might have been because that would open it up to possible legal challenge in the future. I commend the government on its cautious and conservative approach in this matter. The last thing we need is a Constitution which is then open to some sort of legal challenge further down the track. I think we could all find ourselves in very much unchartered territory. I am sure no government would want to be in a set of circumstances that could be rather contentious.

The Parliament of Queensland Bill 2001 has been developed in conjunction with the Constitution of Queensland Bill 2001. This has been necessary as the existing laws relating to the Legislative Assembly are inextricably linked to Queensland's constitutional laws and are scattered throughout the statute book. It combines into one act the laws that deal with the Legislative Assembly, its members and committees. It represents the democratic and representative nature of the Assembly by recognising how voters of Queensland directly elect members to the Legislative Assembly.

This bill also enshrines the most important provision relating to parliamentary privilege, freedom of speech and debates in the House. It clarifies the Assembly's power to deal with contempt of the Assembly. Considering that this year is the Centenary of Federation, it is highly appropriate and timely that we bring into the House bills that will consolidate and clarify these important matters for the benefit of all Queenslanders. I commend the bill to the house.

**Ms BOYLE** (Cairns—ALP) (4.18 p.m.): I am pleased indeed to speak on the Constitution of Queensland 2001 Bill and its companion bill, the Parliament of Queensland Bill 2001. That Queensland does not currently have a consolidated or single act that sets out the state's constitutional arrangements is an anomaly of history. Apart from the contents of the Constitution Act of 1867, matters of state constitutional significance are currently contained in about 10 other principal acts which are mostly drafted in archaic language. The need, therefore, for modernisation and consolidation of the Constitution has been apparent for some time. In fact, it has taken some eight years to complete what is before us today. This has involved an independent commission as well as activity at the parliamentary committee level and, most recently, by the government.

I remind members that it was a 1998 Beattie government election commitment to consolidate the Queensland Constitution along the lines recommended by LCARC and therefore we reach this position today. After the 1998 election I was privileged to be appointed to the Legal, Constitutional and Administrative Review Committee and to serve there during the last term of parliament. The consolidation of the bills into the Queensland Constitution Bill took much of the committee's time during that period. I pay tribute to all who did the hard work. I must say that I was not one of them. My best attempts at making a contribution were, unfortunately, somewhat lacking because of my having such limited expertise in managing the archaic language, the legal implications of changes to the language and in struggling to put together the very complex and different acts which had been part of our history.

I am not known for always speaking in praise of lawyers, either in this House or in other places. From time to time, I have suggested that the legal point of view is too limited. On this particular occasion, however, I would like to pay my respects to all those lawyers who have been involved in this matter. I particularly refer to those lawyers who are associated with the committee secretariat, lawyers from the Department of the Premier and Cabinet, lawyers associated with the Clerk of the Parliament's office and those from Crown Law. I also wish to praise the consultants, external to government, who have contributed. Their endeavours are appreciated and their expertise on this occasion is particularly recognised.

This legislation gives us simplification, accessibility and modernisation. These matters are all very important if we are to achieve better civic education about democracy and the basis for our democracy in Queensland. The two acts which we are now debating are very practical. Following this debate and, presumably, the passage of the bills through this House, and following the declaration on Queensland Day 2002—as is planned—I hope it will enable all Queenslanders to know about our Queensland Constitution. It will enable Queenslanders to take pride in our Constitution and to recognise the very important basis for democracy in this fine state.

**Mr HOBBS** (Warrego—NPA) (4.21 p.m.): It is my pleasure to speak on the Constitution of Queensland and the Parliament of Queensland Bill. There is only one issue to which I wish to refer. In his second reading speech the Premier said—

The provisions relating to the disqualification of candidates for election and members of the Legislative Assembly will be further enhanced when a package of electoral reforms, based around the Restoring Integrity plan I launched in Barcaldine last year, is introduced into this House.

I want to refer to the situation in which councillors are not permitted to run for state parliament without first resigning.

**Mr Fouras:** We have already had this debate.

**Mr HOBBS:** We have not, as a matter of fact. I will give the honourable member a bit of advice: it is only just starting. We had an opportunity in this legislation to resolve that issue and make the situation more workable in the eyes of the community. The matter was taken to court and the government lost. The matter was found to be unconstitutional and illegal. Certainly, it was morally wrong.

Those opposite know why that legislation was introduced—namely, to gain a political advantage for themselves. It was nothing more than that. Clause 66 states—

If a person who holds a paid State appointment becomes a candidate for election to the Assembly, the person must be absent on leave from the appointment for the election period.

That is what normally happens.

**Mr REEVES:** I rise to a point of order. This has nothing to do with the legislation that is before the parliament. I think the relevance of the remarks being made by the member for Warrego should be looked at.

**Mr HOBBS:** Those words I have just read to the House are contained in the legislation. The honourable member has not read it.

**Mr Beattie** interjected.

**Mr HOBBS:** It has. Page 40 of the legislation uses the term 'paid public appointment'. It also mentions local government and the state government. The member for Mansfield obviously has not read the legislation, which states—

However, a member does not hold a paid public appointment if—

(d) the appointment is as a local government mayor or councillor, whether the person is appointed or elected as mayor or councillor.

In the legislation which is presently before the parliament the government had an opportunity to allow councillors to stand down. In other words, they could run for election without having to resign.

**Mr Mickel:** They don't. Have a look at Logan City Council. They continue to work.

**Mr HOBBS:** If they had to stand down I think we would be able to resolve that issue. Those opposite do not seem to understand that the majority of councillors throughout Queensland are not salaried officers. They are paid a meeting fee only. In many instances, they attend perhaps one or two meetings a month. They are not paid a huge salary to keep working. I have no problem if the legislation is made more transparent. The Local Government Association has said the same thing.

Those opposite received an awful flogging in court. Why is it that, in this state, we have to take matters of democracy to the courts? This matter should have been resolved in the parliament. Those opposite deliberately tried to rort the system, but they have been caught out. The same thing happened with that matter that occurred in St George. The government tried to deny a normal property right to an owner. The government lost when the matter was taken to court. The same principle applies in this case.

It is disappointing that this matter was not resolved in the parliament. In her speech this morning the Minister for Local Government and Planning said that the government would withdraw the federal component but would retain the component which relates to the Queensland Parliament. I do not believe that is fair and reasonable in anyone's language. The minister selectively quoted some parts of the court decision which were not relevant to this particular issue.

Local government is very disappointed with the discussions that have taken place. The Premier committed himself to going back to the LGAQ and advising it of the outcome of the government's deliberations. However, that did not happen. Local government in Queensland is feeling pretty let down at the present moment. That is unfortunate because those people try to operate in a bipartisan manner. With this legislation we had an opportunity to put in place something that would have allowed councillors to stand for state parliament without having to resign their positions.

**Mr MICKEL** (Logan—ALP) (4.28 p.m.): We have just heard again the re-debate of the matter by the honourable member for Warrego. What he will not face up to is this: local councillors can run for election to the state government. End of story! The only requirement we make of them is that they face the people if they lose.

The honourable gentleman tries to make out that this is somehow quite different. Quite frankly, if a councillor wants to run for mayor, what does he or she do? He or she has to resign from the council seat. The honourable member for Gladstone said, 'Oh, it would cost a lot of money.' That did not deter her, when she was the mayor of Calliope shire, from wanting to run for state government—and winning. There was a by-election in Calliope. She was not worried about the cost of the by-election on that occasion. If the honourable member for Warrego wants to run for the federal parliament he has to resign. We ask the same thing of people in local government. The honourable member finds that an insurmountable barrier. Tony Windsor did not find it an insurmountable barrier at all—not at all! Those opposite are asking for different rules for all their National Party mates.

Those opposite talked about transparency. Let me deal with transparency for a moment. Two Logan City councillors ran for state government at the last election—both of them chairs of committees, both of them drawing an inordinate sum plus a car and mobile phone, yet they continued in that role the entire time. I did not hear those opposite exercising any moral force on that National Party candidate—not once! One of them still comes out every single week and does not behave like a local government member; rather, this fellow attacks the state government week after week. If he wants to run for state government, he should be treated the same as us and be made to resign. I am pleased that the Premier has enshrined this issue in this legislation.

Today during the debate we have heard about the Westminster system, democracy and all the other bits and pieces that go with it. Under the Westminster system there is no need to revert to a referendum in order to change the Constitution. Rather, the parliament changes the Constitution. Those opposite should not come in here and say that somehow the Westminster system is democratic. It is not. The parliament is the supreme body, and the parliament is the supreme body on any constitutional changes.

We have also heard about the naming of the bill—that is, the Constitution of Queensland 2001. Of course it should be called that, because the 1867 act is a ramshackle disgrace. It is all over the place. In fact, about 30 pieces of legislation were being introduced around the same time, and it will be a delight to the National Party members to know that the parliament of the day was considering the Disease in Sheep Bill at the same time. As a matter of fact, that bill occupied more debating space than the Constitution Act that we are trying to update today and reinforce so that it is written in easy to understand language and is accessible to the citizenry.

I also point out that there have been a number of people involved in trying to modernise this act. In a spirit of bipartisanship, I recognise the role played by the former member for Burleigh, Mrs Judy Gamin, as well as the efforts of the current member for Greenslopes, Mr Fenlon, and the member for Kurwongbah. Through the various committees that they have presided on over the years, they have made sure that this sensible legislation is brought before us for discussion today. But there is unfinished business. The unfinished business is this: while talking about local government, we should ensure that this state parliament is brought into line with local government and has four-year terms in line with local government. That is the unfinished business. Another issue to look at is whether we need fixed three-year terms to ensure that that four-year process works.

My final point is that the Members' Ethics and Parliamentary Privileges Committee Report No. 26, *First report on the powers, rights and immunities of the Legislative Assembly, its committees and members*, tabled in January 1999 made a number of recommendations which I am pleased to see have been incorporated into the bills before the House. They were done in a spirit of bipartisanship. I congratulate the member for Caloundra and the member for Southern Downs, as well as government members of the committee, on the excellent role they have played.

We were part of a team that was well supported by Neil Laurie, David Thannhauser, Kerryn Newton and of course people like Dianne Raeburn, Patrick Vidgen and Michele Robinson. I commend their efforts to the House for the role they played in bringing that about. Some of the more significant outcomes of the bills, apart from the consolidation and improved drafting, include the clarification and consolidation of the rules relating to the qualification to be and disqualification

of members of parliament and the clarification of the powers, privileges and immunities of the parliament, particularly its power to punish for contempt.

I refute what the member for Gladstone said. It is important that there has been statutory recognition of cabinet for the first time, the most important body in running the administration in this state. We heard the member for Gladstone give a defence of independents. During the last sitting week I was one of those who saw the member for Gladstone speak against an amendment moved and then vote for it. How could we run a state if we did that? It is about time we recognised cabinet government as being the way to run the administration in this state. It is also important that this bill express statutory recognition and give an explanation of ministers of the state. Many small but practical statutory matters such as establishing who administers the parliament when an election is called and the House has been dissolved are enshrined in this legislation. For all those practical reasons, these bills are long overdue and deserve the support of the parliament.

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (4.36 p.m.), in reply: I thank all members for their contributions to debate on the bills, because everyone supported them. I thank all government members for their contributions. I will go through the contributions of a number of members and deal with some of the criticisms. The member for Beaudesert, Mr Lingard, supported the bill and applauded the consolidation based on bipartisan support for the bills by LCARC. He also applauded the use of plain English and enhancing access to the Constitution. However, he said it was a shame that the bill does not amend the Constitution Act 1867 to retain the historical significance of Queensland's original Constitution. I make the point that that legislation was all over the place like Brown's cows. It was not one document. This will be a 2001 act which we think is appropriate for consolidation.

In relation to the local councillor issue, the member for Beaudesert cited chapter 4 of the Parliament of Queensland Bill and claimed that the Supreme Court supports the opposition view. In relation to entrenchment, he said that the Constitutional Centenary of Federation found Australians overwhelmingly want a referendum if the Constitution is to be changed with lots of consultation. He claimed that people have the right to understand the Constitution and participate in a review and reform. Obviously the government agrees.

Let me go through the responses. The 1867 Constitution was not retained. This will be a 2001 act. We think that is appropriate. As I said, the 1867 Constitution was not retained. We believe we need a new act. The 1867 act is just one of at least 10 principal pieces of constitutional legislation in Queensland. That is part of the problem. There are 10 principal pieces of constitutional legislation in Queensland. That is the very point of the consolidation exercise. We have to ask ourselves: why has it taken until 2001 to have consolidation? Why is now the first time the Constitution has been consolidated?

There is no logic in trying to force modern provisions on just one of the pieces of legislation that is more than 100 years old. It makes it cumbersome, awkward and hard to understand. We are about civic education. It was better to a have a consolidated 2001 bill. In the spirit of an accessible Constitution for Queensland, it is more effective to do it the way we are doing it. Passing the modern legislation in this our centenary year of statehood is absolutely essential. This is the most effective way to do it. The 6 June commencement date is to be retained, recognising the establishment of Queensland as a colony.

I now move to the impact of the Supreme Court decision whereby local government councillors are ineligible for candidacy in the federal parliament unless they first resign as a councillor. There is no impact of the Supreme Court decision on this Constitution. In fact, the whole debate has been totally irrelevant to this piece of legislation, but I notice the tolerance of the chair. The court decision did not consider section 224A(a) of the Local Government Act 1993 which provides for eligibility for this Legislative Assembly. It is not relevant, but let me make a couple of points. I understand from the Minister for Local Government that there have been about 31 council by-elections since the last council election was held. There is another one pending. Only one of those was as a result of our legislation. That in fact involved a federal Labor candidate in Herbert. There are all sorts of reasons why those 31 by-elections have been brought about. They include death and the fact that people have moved from living in particular council boundaries in cities or towns.

The reality is that under this legislation no-one is prevented from running for state parliament—no-one. All people have to do is be honest. That legislation, which we will retain in

terms of candidates seeking nomination for election at state level—nothing in the recent Court of Appeal decision detracts from that—is about honesty.

People should remember that we gave local authority representatives a four-year term. We found that in a handful of months people who had stood for local government elections and who had just won a four-year term were trotting around, offering themselves saying, 'Pick me to run for state parliament.' And they had not been in the job for even six months! That is a fib. That is dishonesty.

If someone offers themselves in local government for a four-year term—the first time ever for four-year terms—then they should do it honestly. They should say to their constituents, 'I am here for the four years. I am not here for 10 minutes. I am not here for 30 minutes, until I get a better offer,' which is what has been going on. All they have to do is the right thing, the decent thing—wait until their council term expires and then run for state parliament. That is all. There is nothing untoward or difficult about this. The same rule applies to any member of this state parliament who wants to run for federal office. We are not seeking to do anything difficult, different or strange. We are not imposing on others a standard we do not expect of ourselves. It is the same standard.

This is about saving taxpayers' money. If there are by-elections at the local authority level, who pays? The ratepayer pays. I think we should have some honesty about all of this. It is a sensible thing. I stress: four-year terms were given to local authorities, and it is not unreasonable for local authority representatives to say to the people who elected them, 'I will stay here for the four years.' That is all. It is not unreasonable. I stress: any state member who wants to go federal has to go through a similar process.

My colleague the minister made some points in relation to constitutional reform. He mentioned the republic. He mentioned recognition of indigenous systems of law and ownership. He mentioned a bill of rights. He stated that he supports the bill and that reform should commence. Everybody knows that the Minister for Employment, Training and Youth and Minister for the Arts is a passionate supporter of the republic and the other issues he raised. He has never been reluctant to express those views, here or elsewhere. He had the courtesy to consult me beforehand about the fact he was going to make this radical presentation to the parliament. Naturally, with the open way this government operates, I welcomed that contribution to the enrichment of a better Constitution of this state. I congratulate him on his courage.

The member for Nicklin made a number of points. He asked about the view of the government on the appointment and continuation of governors in Queensland. The legislation does not propose any amendments to the current legislation in relation to the appointment of governors. These questions will be debated when the country debates the republic at a national level. The Gladstone constitutional convention resolved that if there were to be a democratically elected head of state then the states should follow suit with their constitutions. A referendum would be required.

The member for Nicklin also complimented the current Governor, Major General Peter Arnison, on his work. He and his family are very lovely people. I have to say, I totally endorse the member's comments. The member for Nicklin would be aware that the last time parliament sat I indicated that the current Governor had had his term extended by 12 months. That was done because he really has been a very warm and open Governor. He has done a great deal in support of Queensland in areas of trade. Only recently he visited Thailand and Vietnam, really at the request of the government, to advance the cause of trade. In many Asian countries—I do not say this in any paternalistic way but simply as a statement of fact—people in those positions can open doors, and that assists us in trade. That is why he has played such a constructive role.

The member for Nicklin would be aware that I have very strong views about the nature of the Governor and the Governor-General. I was one of the small minority of people who passionately argued for the election of the president. I supported that because I believe that at the end of the day the power rests with the people. We can elect people and still define their powers within the existing powers of the Governor-General. It is very much the Irish model. Some people got caught up with the idea that if we elected a president we suddenly enhanced their powers. Some of the Irish presidents elected under the same system have led their nation in a very inspiring way while staying within the constitutional protocols. I do not see why we cannot do the same thing. However, I am also committed to a republic. I will support that when the debate is furthered, both here and outside. I do, however, accept the will of the people on these matters. After all, that is where the power rests.

The member for Caloundra indicated her support for the bill. She spoke as a member of the Members' Ethics and Parliamentary Privileges Committee. She noted that the Parliament of Queensland Bill picks up and implements a range of recommendations of the committee over recent years. In particular, she said that the bill clarifies the powers, rights and immunities of the Assembly, the definition of contempt and Assembly power to deal with contempt. She congratulated the members of the LCARC and the MEPPC, named the staff and so on. In short, I agree with the member for Caloundra.

Without the work of committees such as LCARC and MEPPC, we in this place would not be able to fulfil our functions as effectively. There have been seven reports prepared by the parliamentary committees over the lives of the last three parliaments. All have contributed to the development of these two bills. LCARC had *Report No. 10—Consolidation of the Queensland Constitution: interim report* in May 1998; *Report No. 13—Consolidation of the Queensland Constitution: final report* in April 1999; *Report No. 24—Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution* in July 2000; and *Report No. 31—Review of the oath or affirmation of allegiance* in October 2001. For the MEPPC there was *Report No. 26—First report on the powers, rights and immunities of the Legislative Assembly, its committees and members* in January 1999; *Report No. 34—Report on relevance of House of Commons/House of Lords Joint Committee's report on parliamentary privilege* in August 1999; and *Report No. 44—Report on a code of ethical standards for members of the Queensland Legislative Assembly* in September 2000. You instituted a private member's bill to change the privilege rules in this House, didn't you?

**Mr Foley:** That is so, and sadly we are repealing it in this package of legislation. It will be enshrined in the new legislation.

**Mr BEATTIE:** But the spirit of it will remain.

**Mr Foley:** Absolutely.

**Mr BEATTIE:** So we have actually picked up your spirit and put it in the bill?

**Mr Foley:** Correct.

**Mr BEATTIE:** I could not think of a better spirit in this bill.

The member for Gladstone indicated her support for the bill and for the retention of the entrenchment provisions reflecting the importance of people having a say. People may not know their Constitution but expect their rights to be protected. Therefore, the recognition of the referendum is important. The 1867 Constitution was not retained. The new act will be a 2001 act. I made this point before. I have been through this. I will not repeat it. I think I covered most of these points in response to the first member from the opposition who spoke.

The other point the member for Gladstone made was that we should be amending Queensland's original Constitution of 1867 as this date shows the length of time of our democracy. The Constitution Act 1867 in fact was not our original constitutional document. It was actually a consolidation act of many disparate constitutional provisions, just as this 2001 exercise is. Queensland's constitutional history actually commenced on 6 June 1859, when we became a separate colony from New South Wales. It has taken us more than 100 years to consolidate our constitutional provisions. This bill has two significant date features: one, passage in the year of our centenary of statehood; and, two, commencement on Queensland Day next year. I think that is important.

The member for Gladstone noted that the mandatory retirement age of judges at 70 years is to be considered later and commented that even some judges under 70 do not accord with the norms of society; for example, the judge who made the comment about rougher than usual handling. I will refer the matter to LCARC for report.

The member raised an issue relating to when the Assembly is not sitting and whether there are new provisions for vacation of a member's seat. There is no provision for the vacation of an MLA's seat when the Assembly is sitting. We have retained the existing provision for the payment of salaries, so there is no change in relation to that.

I mention one other point. The member for Gladstone said that by including cabinet we had in some way reflected some political position. We did not. In 1867 political parties did not exist and therefore there was no relevance for it then, but there is now. Frankly, even if this parliament consisted of 89 Independents there would have to be a cabinet. There would have to be a Premier, whether you liked it or not.

**Mr Bredhauer:** We actually love the Premier.

**Mr BEATTIE:** That is very kind, and that shows good judgment. Having a cabinet is not a party political thing. If we had 89 members all of whom were Independents, we would still have to have a cabinet, a Premier and ministers. That is the way it is.

The member for Gladstone indicated that she was worried about the consultation on the clause. The clause has been out for consultation since February 2000 through an extensive QCRC consultation exercise around the state. That was the independent commission we appointed. It was endorsed by LCARC. There was no adverse comment noted from the consultation. It is important in civic education, as well.

Mr Quinn, the member for Robina, commended the bills for achieving the government's objectives of making the Constitution accessible through modern language and consolidation. I am pleased that the Leader of the Liberal Party supports the cautious approach that the government has taken in response to entrenchment. I agree with the member. It is not worth risking challenge to the whole Constitution. He noted that it is time to introduce bills to consolidate.

The member for Warrego made some points about local government councillors. I have already covered that. I do not think there is anything more I need to say about that. Indeed, I think it has all been covered.

I will conclude my remarks by saying this. In a sense this legislation is disappointing and pleasing at the same time. It is disappointing that it has taken since 1859 to have a consolidation of our Constitution. Even though it is disappointing, it is also important that we have done it. I have to say that during this consultation about a constitution—and I will not mention the member—one member actually said, 'I didn't know we had a constitution.' That is understandable. If the Constitution is found in 10 or more places all over the place like a fowl yard, then is it any wonder that one of our kind did not know we had one? Admittedly, now that we have one we have to provide some civic education and explain to the community what it is all about. We should be proud of our Constitution. It governs so much of our daily lives.

It is also worth stressing that Australians—Queenslanders included—have been reluctant to change our Constitution. But it is important to make this point during the debate. The Constitution is a living document. It is not meant to be dead. Therefore, it is meant to change from time to time, particularly as circumstances and the community change. This is not something we do lightly. I accept that. But we are talking about a document that has been around roughly since 1859. I do not believe that anybody in 1859—before telephones, before television, before aircraft and before modern communications—could have framed a document to cater for a world 140 years later. Therefore, we should not be afraid of change. It should only be change that is in the community interest and it should only be for the public good. But when this debate goes to the second stage—which it will, because this is only the first stage of constitutional reform in this state—I urge my fellow Queenslanders to judge the issues on their merits, not to be scared and not to be put off by scare campaigns but to think: is this good for Queensland? If it is, then support it. If it is not, then reject it.

One of my great disappointments in this place is my singular inability to get the support of the other political parties for a four-year parliamentary term. Four-year terms are in the interests of this state. They are not a party political issue. Four-year terms exist in every other state of Australia bar Queensland. When he was Premier, Wayne Goss supported a referendum for four-year terms. Since I have been Premier I have been involved in a number of discussions—supported by my deputy, Terry Mackenroth—with other political leaders. The Liberal Party has been supportive, and I thank it for that—both its present leader and its previous leader. One Nation, believe it or not, has also been supportive. But the National Party has opposed it.

I know that Mike Horan is not in the House because of the tragedy in Toowoomba. I wish he were here to hear my words. However, he is fulfilling a very important role. But I say to Mike: sometimes you have to put party self-interest aside and think about what is good for Queensland. If the rest of Australia has four-year terms and this is the only state that does not, one must wonder why. It is only because of base, self-interested politics. Four-year terms were opposed on the last occasion because there was concern that the National Party might not get re-elected and we would see another four years of Goss government. I understand from my sources that that is one of the considerations now; that it would mean that if we went to a four-year term, in the next term that would mean we would have four years instead of three.

At the end of the day people expect politicians to rise above self-interest. The community expects politicians to sometimes—not all the time—think about what is the common good. The common good is a four-year term. There are so many tough decisions and tough things that need to be done in the world. If anyone has any doubt about that, all they have to do is look at what happened on 11 September in New York. Look at what we have to do in relation to trade. What we are trying to do with the Smart State is to enable Queensland to be competitive in a very ugly world.

In many cases the jobs of tomorrow have not even been discovered. We are trying to give our children better education opportunities. We are trying to bring in new industries like light metals—all those things that are producing new jobs in the Gladstone electorate. They are about smart technology and value adding and instilling in our children the importance of education and training and changing our society to make it competitive. There is nothing political about that. That is just good management. It is about a vision of where we are going. We could argue along the way about how we would do it, but I hope that everyone in this House would support what we are doing with the Smart State and the new industries for tomorrow. But we cannot always do those things in a situation where we have two years and eight months and then we wander off and try to get re-elected.

One of the things that this government needs to spend more time on—and we are starting to do it—is overseas trade. For the first time since I have been Premier we have had trade delegations overseas this year representing all parties—Independents and the other political parties from opposition and government—to be part of the push for export opportunities. When one considers that one in five jobs in Queensland comes from exports—and in the regions it is one in four—it is absolutely essential that we do that. We need time to cement those strategies to get the jobs of tomorrow.

So am I disappointed? Yes, I am disappointed. I hope that the Leader of the Opposition will rethink his position, because we have a serious disadvantage in Queensland in trying to get four-year terms. That disadvantage is this: under the Constitution, the existing standing orders and all the rest of it, we are unable to have a referendum for four-year terms in conjunction with a state election. That is a problem, because it means in essence that we have to have almost a stand-alone election. If we have a stand-alone election there are costs involved. I am not prepared to do that unless we have some belief, or at least I become convinced, that we can actually win that referendum or have a good chance of winning it. That is why I personally support four-year fixed terms. Take it out of the hands of politicians altogether and let it then be determined. If we had four-year fixed terms we would know exactly when the election was going to be held. It is the same with local government. If it is good enough for local government, it is good enough for us.

**Mr Mackenroth:** We've always said that.

**Mr BEATTIE:** Yes, we have always said that. The Deputy Premier shares my view. Then there is no argy-bargy about will there be an election or will there not be an election. Can the government manipulate the day? Does it advantage the government? Does it advantage someone else? We would all know the date of the election. We could put triggers in place to cover some sort of crisis that might arise if something were to happen in the parliament and the government were to fall, or something of the kind.

This bill is important for Queensland. I am delighted that it is being supported by the parliament. I thank all members for their support for it, but I stress again that this is only the beginning. I commend the bill to the House.

Motion agreed to.

## Committee

### Constitution of Queensland

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) in charge of the bill.

**The CHAIRMAN:** The Committee will consider the Constitution of Queensland first.

Clauses 1 to 95, as read, agreed to.

Schedules 1 to 4, as read, agreed to.

### Parliament of Queensland Bill

**The CHAIRMAN:** The Committee will now consider the Parliament of Queensland Bill.

Clauses 1 to 124, as read, agreed to.

Clause 125—

**Mr FOLEY** (5.00 p.m.): This clause repeals the Parliamentary Papers Act of 1992. I do this with some sadness because I introduced this as a private member's bill in my first term. I record my thanks to the members of the Parliamentary Privileges Committee who worked with me on developing that bill; in particular, the member for Moggill and the member for Cleveland. That bill streamlined and modernised the law governing the production of *Hansard* and made *Hansard* much more rapidly available to the media and to the general public. It has been replaced in large part by chapter 3, part 3 of the current bill; in particular, clauses 48 to 58. I am grateful that those provisions have been incorporated into the existing legislation.

Clause 125, as read, agreed to.

Clauses 126 to 160, as read, agreed to.

Schedule 1, as read, agreed to.

Bills reported, without amendment.

### Third Reading (Cognate Debate)

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

**Hon. P. D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (5.03 p.m.), by leave: I move—

That notwithstanding the provisions contained in standing order 277, the Government Printer shall furnish four fair prints thereof on vellum to The Clerk of the Parliament of the Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001.

Motion agreed to.

## TRANSPORT LEGISLATION AMENDMENT BILL

### Second Reading

Resumed from 16 October (see p. 2829).

**Mr JOHNSON** (Gregory—NPA) (Deputy Leader of the Opposition) (5.04 p.m.): I rise to speak on the Transport Legislation Amendment Bill 2001, an omnibus bill which amends a raft of transport legislation, including the Air Navigation Act 1937, the Civil Aviation (Carriers Liability) Act 1964, the Transport (Busway and Light Rail) Amendment Act 2000, the Transport Infrastructure Act 1994, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Marine Pollution) Act 1965, the Transport Operations (Passenger Transport) Act 1994 and the Transport Operations (Road Use Management) Act 1995.

I note it also amends the Transport (Gladstone East End to Harbour Corridor) Act 1996, although it is not noted in the reasons for the bill as set out in the explanatory notes. However, the first amendments are to the Air Navigation Act 1937. The purpose of these amendments is to provide a new head of power dealing with liability for certain injury, loss, damage or destruction on the ground arising from an impact with an aircraft or an item falling from an aircraft. I note also that the definition of aircraft includes the increasingly popular balloon flights. I can assure members that they will never get me up in one of those, either. It is a sad reality that when these amendments were being drafted, the incidents covered by this amendment were considered remote, but the visions of 11 September in New York are certainly burnt into our consciousness forever.

I place on record my condolences to the people who were in that fatal air crash in Toowoomba today. I knew the young pilot very well—Bruce Johnson from Emerald—and my thoughts and prayers and love go out to his wife, Megan, and their little child and also to his mum and dad, Jim and Diane Johnson from Emerald. They are an exemplary family and I have to say that Bruce Johnson was an exemplary pilot. He was a young man who loved flying; he was dedicated to the cause and was one of Queensland's great young aviators. I am not a lover of flying myself and I have flown on numerous occasions with Bruce Johnson—

**Mr Bredhauer:** We have done more than our fair share.

**Mr JOHNSON:** I join with the minister in his comment. Bruce was one of those young fellows who did everything right. Whatever happened today, may the good Lord be protecting those people who met their fate today and may He also be comforting the families of those people in question.

As I said, I am now speaking to the amendments to the Air Navigation Act. It is timely that this amendment is designed to relieve an injured person from the expense and delay of suing a wide range of defendants and then having to establish negligence. I note that the Scrutiny of Legislation Committee has referred to the House the matter of removing the defence to negligence. As the committee noted, owners of aircraft are generally covered by insurance for third party on-ground liability. This provision is the reason for the amendment and it is consistent with the Commonwealth Damage by Aircraft Act 1999, which also has been adopted by most other states. There are also a number of machinery amendments to address existing anomalies in this act, as are the amendments to the Civil Aviation (Carriers Liability) Act to bring it into line with Commonwealth practice of providing a monetary penalty where the offender is a corporation.

The amendment to the Tow Truck Act 1973 addresses the replacement of the existing appointed appeal tribunal consisting of a magistrate, a departmental representative and a person from the tow truck industry appointed by the minister. The amendment provides for the appeal to be reviewed in the first instance by the chief executive. If the person remains unsatisfied, they may have the matter heard by a Magistrates Court. These provisions seem reasonable and are in line with other appeal provisions in similar legislation. However, the Transport (Busway and Light Rail) Amendment Act is to be amended to provide for the appropriate administration and maintenance of busways, particularly in relation to the approval and control of ancillary works and encroachments. One of the provisions is a deeming provision to identify alleged offenders who place unauthorised advertising on a busway. Essentially, this provision means that it is considered reasonable to assume that it is within the knowledge of the advertiser who is responsible for the advertisement.

I only regret that there is no such simple assumption that can be made in relation to the authors of graffiti, who continue to thumb their nose at our community and at authority. I know full well that the minister would join with me in this. I know from my time as Minister for Transport in this state of the huge impost on the taxpayers of this state and on government departments—whether it be schools, railway stations or any other public utility—caused by that element of society that seems to be hell-bent on defacing or disfiguring public property. It may be a way for those people to boast about their own particular skills, but graffiti is certainly a slur on the whole of society. I can assure the minister and all other members that the opposition would certainly be a party to anything at all that will put that element in its right place.

It is a fact that public transport infrastructure, including sound barriers and walls, are a particular target for these grubs, as I call them—I do not know what other members call them; they are certainly not a part of the society that people in this House support—and I note the reservation expressed by the Scrutiny of Legislation Committee about subsection 6, which provides that the chief executive may enter into an agreement for making a contribution towards the cost of any work carried out by a direction from the chief executive. This direction under subsection 4 relates to where the chief executive has found that ancillary works carried out now prove to be a problem of some sort.

The Scrutiny of Legislation Committee is right to question why the full cost incurred in meeting such a direction should not be met if there was no fault by the provider. I presume that these may be contributory circumstances and that this provision gives the chief executive an opportunity to negotiate. I would like the minister to clarify this situation for me in his response.

The most significant amendments relate to the Transport Infrastructure Act 1994. Some of these amendments are similar to the amendments to the busway and light rail legislation in that they provide for the administration of ancillary works and encroachments. Interestingly enough, one difference is that, in clause 26, provision is made for the payment of a fee or charge for a utility plant located on a state controlled road. I ask the minister to clarify a number of matters that relate to this matter. Firstly, if such a provision is necessary on a state controlled road, why is no such provision necessary on a busway? Secondly, I would like to know the basis of the charge. I am concerned that, in some parts of the state, the roadway reserves are the only practical place to put some public utility plant, for example, telephone lines, water mains, et cetera. Does that provision mean that a new and open-ended charge is to be imposed on the provision of such plant with a resulting increase in base cost that will be passed on to the consumer?

I also ask the minister to clarify just what the arrangements are to be in relation to price setting and any appeal provisions. I am also a little intrigued as to just what the arrangements have been in the past in relation to a number of mobile phone cells, which appear to have been placed on the road reserve. I ask: has a fee been paid in relation to those installations to date or not? If so, under what provisions were these charges made?

Clause 29 provides a set of standards in relation to the tunnel and associated ventilation and access elements. Although I understand the need for the provisions in relation to the licensing of other accredited railway managers to utilise rail tunnels and associated infrastructure, I am interested in knowing why this provision is limited to the tunnel between the Brunswick Street and Roma Street stations and to the rail tunnels immediately south to the South Bank railway station. I presume that these provisions are because of the older titled documentation that applies to these tunnels, but I would be surprised if such limitations did not apply to other rail tunnels around the state, including, for example, the tunnels on the Kuranda line, which also has a third party operator in place.

I am also intrigued as to what underlies other provisions in this clause that relate to the transmission of any benefit of the easement to accrue only to the state. Obviously, I have no problem with this provision, because I would have expected no less than what is being provided now. I would like to know what information has prompted Queensland Rail and the minister to assume otherwise. I understand that part of the answer may be in relation to the fact that the buildings have been erected over these tunnels and that there are title issues. I would like to know if similar issues arise in relation to stations at Toowong, Roma Street and Brunswick Street.

Clause 34 is another major provision that establishes a regime for the transportation of dangerous goods by rail. I have noted a number of interesting inconsistencies. For example, the explanatory notes state that section 187AA outlines the purposes of the legislation, which are described as providing regulatory consistency with a national scheme for rail transport and with road transport of dangerous goods. Yet the section itself describes the purposes as—

(a) to reduce risk arising from transporting dangerous goods by rail; and

(b) to help create a substantially uniform national rail transport law about dangerous goods; and

(c) to promote consistency between the regulation of the transport of dangerous goods by rail and by other modes of transport.

Why does it relate only to a substantially uniform national rail transport law? I would like to know whether these provisions are inconsistent with any national scheme for rail transport of dangerous goods. In particular, I would like to know where these heads of power sit in relation to the Australian dangerous goods code. I am also interested in why the provisions differ from the Transport Operations (Road Use Management) Act in that the provisions for a head of power for regulation that has been too dangerous to be transported or too dangerous to be transported in bulk is included in the TORUM provisions but excluded from this piece of legislation.

I also note that section 187AL on page 42 of this bill relates to an offence for carrying goods that are too dangerous to be carried by rail, but where the head of power to make the determination appears to be missing. I am also alarmed by clause 35, which deals with waterways transport management plans and provides for the adjustment of fees and minor errors. Although the explanatory notes refer to a fee adjustment to reflect changes in the CPI, this limitation does not appear to apply in the amendments provided in this bill. In that respect, I am concerned about the way in which clause 35 is constructed. Fees could be increased without due notice, which is obviously unacceptable. I note that this is also an issue identified by the Scrutiny of Legislation Committee.

**Mr Bredhauer:** One of the amendments I intend to move in committee will cover that issue.

**Mr JOHNSON:** Right. This issue is more significant, because when it is coupled with clause 36, which allows the chief executive to retain fees collected under section 59, this could be akin to the situation the minister created last year in relation to parking fines. At the time, I warned the minister that ceding the power to set the level of parking fines to local authorities was like putting Dracula in charge of the blood bank. Of course, the first vampire out of the cave was none other than our own Lord Mayor Jim, who jacked up the fines, imposed spurious parking restrictions around the Gabba, banned parking around the Kelvin Grove campus of QUT, set up clearways and video cameras around the city, and then upped the numbers of parking officers. It looks like the minister is making the same mistake with waterways management plans. But I notice that the minister has addressed this matter in the amendments that were circulated this morning.

Although the people of Brisbane are blaming the Lord Mayor for his revenue raising by parking officers, they should realise that it was this minister who made this regime possible.

One could understand this undeclared war against the private motor vehicle if there was an acceptable integrated public transport system servicing south-east Queensland. But as we all know full well, we are far from that yet. Perhaps that may have been one of Labor's more successful employment initiatives, because it is a growth industry if the Lord Mayor runs his own money-making machine.

Part 8 of this legislation relates to the amendment of the Transport Operations (Marine Pollution) Act 1995. Generally, these provisions appear sensible and reflect recent experiences in relation to pollution incidents. I would like to draw the minister's attention to clause 52, which provides for an example to be given for the requirements for a sewage holding tank. If a ship is unsuitable to be fitted with a sewage holding tank, I would ask the minister to give me an example of the sort of vessel that he believes would be exempt from these present requirements.

Of course, this clause raises the whole issue of sewage pollution that the minister made so many promises about in the first term of the Beattie government. I invite the minister to tell this House where the issue is today and, with the act now open for amendment, why this matter has been put on the backburner. I would particularly like the Labor members who represent the Gold Coast and other tourist waterways along the coast to listen to the minister as he addresses his continued failure to resolve the matter of sewage discharge into our marine environment. I note also, with the amendments circulated this morning, that there has already been a six-month delay in the introduction of these provisions with the date being extended from the new year to 1 July.

Part 9 of the bill under consideration amends the Transport Operations (Marine Safety) Act 1994. Clauses 67 to 74 relate to amendments dealing with marine pilots. In essence, these provisions establish a compulsory pilotage area. In a compulsory pilotage area, certain ships must use the services of a state-licensed marine pilot. I also note that clause 79 provides a head of power for compulsory fees to be charged for these pilot services. I note that an explanation of this provision was not included in the minister's second reading speech. I can only presume that these provisions are designed to deal with the mess that the minister got himself into regarding pilotage in Cairns. Once again, for the edification of members, I invite the minister to explain to the House the mess that resulted from the amendments he introduced last year and to clarify just how the amendments proposed in this bill will address the problem in the minister's own front yard and prevent similar problems from arising in the future.

I also ask the minister to explain how the charges are to be determined and what provision there is to ensure that these charges are appropriate. Clauses 74 and 75 address an anomaly with respect to shipping inspectors' powers in relation to unregistered or inappropriately crewed vessels and in relation to abandoned property. Clause 76 proposes an amendment to the existing limitations applying to offences in this legislation as the current limitations are not sufficient to cater for complex investigations that occur under this legislation. While the opposition is prepared to support these extensions, I would like the minister to assure this House that the reasons for this extension are not to cover a circumstance of insufficient resources being allocated to the investigation of offences. The minister may care to provide details of the staffing levels in this area of operation to assure this House accordingly.

Clause 77 facilitates the use of speed guns for the on-water enforcement of speed offences, but I am sure that the boating public would welcome an assurance that there are appropriate guidelines for the use of these speed guns that means that they are used to improve safety and that we do not see a repeat of the revenue-raising practices apparent on our roads. I also note with some interest the removal of clause 80 of the set expiry date for speed boat licences of 30 June 2002. I understand that the reason for the introduction of the expiry date was to require the renewal of existing licences and to require a renewal every five years so that an accurate record of speed boat drivers could be established. I thank the minister's departmental officers for their briefing in relation to that, because I had queries relative to that section of the legislation before it passed through the House.

At present, speed boat licences are issued for life. To be more accurate, they are issued for longer than that—they are perpetual—and, of course, therein lies the problem. The department is never notified when the holder of such a licence is deceased, moves away or whatever. The end result is that the Department of Transport has no real idea just how many licences are current or just how accurate the records are. I presume that the task of cleansing the data has now been either undertaken or abandoned. I would like the minister to advise which of these alternatives is

correct. I do sympathise with the minister. These issues are not easy to tidy up, and they need to be tidied up for the benefit of the law abiding boating public.

If the decision has been made to abandon the cleansing of the data, then I presume that a value judgment to accept the cost of administering an inefficient records system has been made. So be it. That decision always had to be balanced against the public perception of the licensed boat operators that the establishment of a renewal period was an open invitation for the government to slap on a renewal fee. Therefore, I note with interest that the explanatory notes state that the continuation of the perpetual licence will avoid unnecessary and inconvenient administrative licence renewal processes. I am inclined to agree with that conclusion if the perpetual licence is to be maintained, but I would go one step further and suggest that it may be worth considering whether these licences should be issued in the first place.

I believe that a number of other states do not issue speed boat licences and I wonder whether their statistics in relation to safety and knowledge are any worse than they are in Queensland. Accordingly, I ask the minister to address this matter and provide this House with the benefit of his understanding of the state of the current records.

While on the topic of boat licences, there is considerable confusion around my electorate regarding the testing to which I just referred, and I would like the minister to explain what are the intentions of the department in relation to this issue. Part 10 of the bill amends the Transport Operations (Passenger Transport) Act. Provision is being made for the administration of things that have been seized under this legislation, and I encourage the minister to consider the application of these provisions to a motor vehicle that could have been seized in connection with offences committed by those known hoons.

This part also deals with commonsense provisions dealing with dangerous situations that may arise from time to time. Amendments to the Transport Operations (Road Use Management) Act 1995 are contained in part 11 of this bill. I also note the provision in relation to the disabled parking permits, and the minister will be aware, no doubt, that quite recently I directed a question on notice to him in relation to these permits. I mentioned earlier the persecution carried out by Brisbane City Council parking officers. One of the recent examples brought to my attention concerns people with a red permit which is now issued for parking off-road. They have been booked in on-road parking spaces for the disabled even though the information on their permits is outdated.

While I support the amendments in the bill, I ask the minister to indicate whether the matter in relation to outdated permits still being an issue has been addressed. This bill also contains significant amendments to the drink-driving provisions, including a review of penalties. I note with some concern that this bill proposes a watering down of penalties associated with driving whilst disqualified. At present, a person found guilty of driving whilst disqualified is disqualified absolutely. The minister's proposal is to distinguish between disqualification that has taken place for drink-driving or another matter determined by a court—for example, dangerous driving—and a disqualification that has taken place as a result of losing a licence for unpaid fines or as a result of accumulation of demerit points.

**Mr Bredhauer:** We're not breaching the penalty provisions. It's a technical issue about the 24-hour suspension that comes into effect when you are picked up for drink-driving, and that being regarded by the magistrate as having been a previous suspension and necessitating the magistrate to automatically disqualify you further. All this is doing, basically, is making sure that the magistrate still has the discretion first time around.

**Mr JOHNSON:** I am pleased the Minister has clarified that. I can understand that there may be some justification for different penalties in determining the original disqualification period, and so on. But I fail to understand the difference when it comes to the same offence, that is, driving whilst your licence has been disqualified. The reason why a licence was disqualified in the first place should not make any difference when it comes to penalising a person for the same offence. It should not matter why the disqualification was imposed. This going soft on people thumbing their noses at the penalties determined by the state is typical of this government's weak-kneed approach to people who flout the law. However, I suspect that this amendment is a symptom of the problems being encountered with the licence suspension provisions of the SPER system. These are exactly the sorts of problems predicted by the opposition when the system was introduced.

The difficulties go back to the adoption of the national traffic code, which I warned then was likely to have implications because of the complexity of the provisions dealing with drink-driving in particular.

**A Government member** interjected.

**Mr JOHNSON:** The late Bob Brewer must be having a chuckle at this amendment and at what is just the start of a raft of catch-up amendments that will now need to follow. I indicate to the minister that the coalition will not support this clause unless the minister explains why there should be two levels of penalties for the same offence. The minister touched on that a moment ago and he might like to cover it in more detail later.

I note that this bill also provides for the recognition of digital technology for camera-detected offences. On the surface, this seems to be a logical amendment, recognising the latest technology, but I must admit to some trepidation as far as digital technology is concerned. Digital technology is very commonplace these days, and many members will be familiar with digital cameras and the ready availability of graphics editing programs. Because a digital image can be so easily manipulated, I ask the minister to advise what safeguards are in place to prevent digital images captured by a speed camera or a red light camera from being altered either intentionally or accidentally as data is transferred. The remaining amendments are fairly mechanical and generally are consequential to the matters that I have already outlined.

In conclusion, I await the minister's response to the matters that I have raised. I hope I will be able to obtain the explanations and the undertakings that I have raised. I refer particularly to that part of clause 96 which deals with the reduction in penalties associated with driving whilst disqualified. The opposition supports the legislation. I would, as usual, like to thank the minister and his officers for their courtesy in providing me with a briefing in relation to this bill. I thank them for their efforts in addressing the matters that I have raised. Regardless of who is in government, these transport bills in the main deal with the safety of the general public. The thrust of the minister's department has not changed in that way.

**Mr Bredhauer:** Just got better.

**Mr JOHNSON:** Mate, they were getting better all the time. I would like to think that I was party to that.

In conclusion, I want to refer to the issue of road safety. The question of road safety will always be a very controversial issue. As we come upon the festive season once more, we find that many people are travelling long distances to different destinations. I urge all members of parliament to urge their constituents to pay particular attention to other users of the road, whether they be travellers or pedestrians. I wish all Queensland motorists a very happy and holy festive season and a safe 2002.

I hope we can reduce the road toll in 2002 as a result of a concerted bipartisan approach. I hope we can come up with better ideas all the time as to how to make our roads much safer. I know that the Department of Main Roads, through its engineering division, is designing safer roads all the time. However, the travelling public needs to make a greater effort to make that become a reality.

**Mr REEVES** (Mansfield—ALP) (5.34 p.m.): It might surprise members of the parliament, but I believe that the most important part of this bill concerns the busways.

**Mr Bredhauer:** No. 1 ticket holder.

**Mr REEVES:** As the No. 1 ticket holder of the South East Busway, may I say that one of the major threats to Brisbane's liveability comes from the growth in traffic on our roads. In fact, by the year 2011 there will be another half million cars on the road. One of the key traffic reduction strategies developed by the Queensland government and the Brisbane City Council is to significantly increase the use of public transport. The busway strategy is a key element in achieving this. The overall strategy proposes a busway network stretching across Brisbane. While building on the already strong role of buses in the regions, the network will provide for fast, reliable and convenient bus services. The busway delivers a new standard in public transport service with limited traffic enabling reliable bus timetabling and integrated rail and bus services to open up cross-town access to key areas such as Griffith University.

I think it is important, in view of the work being undertaken on Coronation Drive by the Brisbane City Council, to emphasise that there is a need for a bus from the Eight Mile Plains bus station all the way to the University of Queensland. Thousands of students on the south side of Brisbane travel by car to the University of Queensland. If they were able to use the busway we

would find a reduction in traffic on our freeways. It would also obviate students having to catch two buses in order to get to the university.

Other benefits of the busway include the following: access for people with disability or limited mobility; handrails, speakers, high-quality lighting and tactile pavers for people with visual impairments; strong signage for people with hearing impairments; and maximum use of transparent materials, low-level planting, high-quality lighting and video surveillance to create a safe and secure environment for commuters. One only has to go to the Garden City Busway station, both above ground and underground, to see how secure and safe a station can be. It is not possible for anyone to hide in the station. The station consists of pure glass everywhere. There are no telephones sticking out anywhere. All bus users can feel safe. Security cameras are in place. Many of our senior citizens have been impressed with the efficiency of the system and the safety which it delivers to them.

Busways increase the speed, reliability and comfort of bus services. It takes me 15 minutes to come from the Garden City bus station to Parliament House each morning. My travel involves a three-minute walk and a 12-minute ride on the 136 bus. Gold Coast members can park at Garden City rather than drive all the way to Parliament House. Express routes and fast, frequent all-day services stopping at each station get commuters to their destinations faster, even during peak traffic periods. Buses on local routes also have the ability to join the busway at on and off ramps along its length, extending the benefits to local commuters.

I have another matter that I have raised with some Brisbane City Council officers. This involves the need to look at the various bus routes in the city. I refer particularly to the express service each morning from Mansfield and Wishart. The buses leave the Garden City bus terminal and travel through Wishart and Mansfield and join the busway near the Wellers Road section of the freeway. This involves a 15-minute wait to enter the peak-hour traffic. It has been suggested that the trip be reversed and that the buses leave Wellers Hill and go backwards to Garden City. The buses could then enter the busway, and thus reduce it to a 20-minute trip. This is information which has come to me from local residents. I have started the ball rolling in talking to various officers at the Brisbane City Council.

The opening of the South East Busway in April 2001 heralded a new era in the provision of integrated transport solutions for the people of south-east Queensland. The South East Busway is a two-lane two-way road for buses only with 10 high-quality bus stations between the central business district and Eight Mile Plains. The South East Busway is part of the $599 million, five-year south-east transport project. The south-east transport project represents the first of a network of busways recommended in the Integrated Regional Transport Plan and includes the busway and the T2 transit lanes on the South East Freeway between Klumpp Road and the Miles Platting Road bridge. The opening of the South East Busway was the culmination of four and a half years of careful planning, design, construction and community involvement to provide a seamless, integrated transport service for the people in the south and south east of Brisbane. Whilst Queensland Transport led the design and construction team, the project was a matter of intense collaboration between Queensland Transport, the Department of Main Roads, Queensland Rail, the Brisbane City Council, Brisbane Transport, private bus operators and private sector engineering and construction companies. This collaboration enabled the delivery of a world-class busway which was completed two months ahead of schedule.

I was speaking to the director-general of the department and he spoke to people from different parts of the world at the University of Queensland last Wednesday. Those visitors regard the busway as world class. They believe it is the best busway in the world. I do not have any hesitation in backing that up. Evidently, people are coming from different countries to view the busway. I know that people from New Zealand and the United States have been here to see it because of its world-class reputation.

The busway delivers better transport for Queensland, a key strategic outcome for Queensland Transport and Main Roads. The busway is playing a key role in achieving Integrated Regional Transport Plan targets of reducing private vehicle trips and increasing the proportion of trips made by transport from seven per cent to 10.5 per cent. When the South East Busway commenced, bus patronage increased by a massive 25 per cent on core busway services. My understanding is that that is nearly up to 40 per cent now.

**Mr DEPUTY SPEAKER** (Mr McNamara): Order! I interrupt the honourable member for one moment to recognise in the gallery International Year of the Volunteer awards recipients from the electorate of South Brisbane.

**Mr REEVES:** I am sure that those recipients have seen the world-class busway from South Brisbane. They can catch the bus from South Bank or the cultural centre and get to the world's greatest shopping centre at Garden City in 12 and a half minutes. It is well worth the trip. As I said, when the South East Busway commenced, bus patronage increased by a massive 25 per cent. The park-and-ride service was 60 per cent full on its first day of operation and after two months it is 90 per cent full. Demand has been so great that the frequency of service has had to increase in peak hours to handle the increased patronage.

The Inner Northern Busway is a 4.7 kilometre dedicated roadway corridor—and I have had the pleasure of seeing the planning for that—for buses from the Queen Street bus station to the Royal Brisbane Hospital. Construction of the Inner Northern Busway has commenced and the section under the Normanby intersection has been completed. The remaining sections from Roma Street to Bowen Ridge Road are expected to start in March 2002 and be completed by the end of 2003. When completed, the Inner Northern Busway will complement the South East Busway and provide improved travel from the south of the CBD to the north and vice versa.

Busway commuters will be able to access the Inner Northern Busway at key locations via purpose-built bus stations. Each one of the modern facilities has been designed with a focus on safety, convenience and accessibility for commuters. The concept and generic designs of these stations are presently in operation in the South East Busway. The South East Busway has 10 high-quality busway stations which are monitored 24 hours a day, seven days a week. This adds vitality, activity and personal security in neighbourhoods. As I said, patronage on the busway has increased by nearly 40 per cent. Bus patronage from the Logan area has increased 15 per cent. Many of my constituents from Rochedale South have been raving about the improved service they are receiving, which cuts something like 20 minutes to half an hour off their trip. That is a huge saving for them. It gives them more quality time with their family. They are getting home half an hour earlier. They are really enjoying it.

Off-peak patronage has increased, with people taking advantage of the improved access to destinations serviced by the state-of-the-art busway. While the community take-up has been impressive, the busway is a long-term piece of infrastructure. The busway achieves a highly efficient and sustainable use of new road space while contributing strongly to the management of air quality. I can hear the rain falling outside. I can just imagine what the South East Freeway looks like now. Travel on the busway would be superb, because there is nothing worse than traffic on the South East Freeway on a rainy day at 20 to six. The freeway would be jam-packed but the busway would not be. There is also plenty of cover for commuters when they get off the bus at Garden City and in the lift to get to their car, and they might have to run a bit to get to their car. While on the subject of Garden City, it should be congratulated on its involvement in the busway and for allowing it to be developed at the world-class shopping centre. However, we need to look at the park-and-ride area and fix the paths along there to make it more accessible for people.

Members have heard me say a few times how great the South East Busway is, but I will continue to say it because it is the greatest bit of public infrastructure in my electorate and I am extremely proud of it. However, there are a couple of other matters I want to raise in relation to the bill. I had the pleasure of presenting the TravelSmart Awards at Parliament House last Thursday, TravelSmart Day, on behalf of the minister. It was great to see the young children of this state getting involved with TravelSmart. About 20 children from the Regents Park State School presented pictures and poems, et cetera. One that really stood out said, 'Forget the Fussway, go the Busway'. That is a great slogan made up by a 10-year-old student.

The winning web site was designed by a Brisbane State High student. The Christian Outreach College in my electorate of Mansfield won one of the awards. It was a great day. Two groups—one from East Brisbane State School and the other I cannot recall—made up a rap song. It was all about public transport. As a matter of interest, I took a poll of the audience and asked who caught public transport or car pooled to the event. About three-quarters of the audience did. It is encouraging. My wife and I came to Parliament House, caught the busway to the Myer Centre and went home the same way. Some of the day's participants caught the bus home with us as well.

I congratulate the minister on the announcement of the preferred consultants for the review of the Mount Gravatt-Capalaba Road. Other representatives from Canberra have tried to make this into a political issue and a political stunt. This is about long-term solutions for the people of Wishart and Upper Mount Gravatt along the Mount Gravatt-Capalaba-Kessels Road. I look forward to the study commencing. My constituents look forward to a successful outcome that will

deliver long-term planning. I also congratulate the minister on a heavy focus on community consultation.

There is one issue in relation to the bill which causes me concern, and I have raised this issue with the minister. My concern relates to the inability of people who record illegal drugs in their system to apply for work licences. Like everyone in this House, I feel strongly about being tough on drug-drivers. But my concern is that there appears to be no creditable testing in Australia or overseas which can ascertain the level of drugs in a person's system. As a result, a person's livelihood may be threatened because of one small possible legal or illegal action. For example, a person may go to Amsterdam for a holiday and go to a coffee shop and consume a small amount of drugs, and it is legal in that country. Let us say that some six weeks later when they return to Queensland they get picked up by the police for one reason or another and are drug tested. The drug test will show that a small amount of drugs has been detected. The problem is that the test can only show the drug exists in the system. It cannot show the level involved. As a result, that person will not be allowed to apply for a work licence. His or her family income may be threatened because they need a licence to earn an income.

The problem in this situation is that there is no creditable testing equipment available which can work out the amount of drugs in the system. It is important that all state authorities, including our own, come up with equipment which can test the level of drugs in people, not just the fact that drugs are present. Only a test such as this would equate to the current method of testing the amount of blood alcohol in the system. It is important that we work together with the other state authorities to come up with a creditable equipment test or else we may create a situation where people's livelihoods are threatened because of a legal action which happened six weeks ago or two months ago. Once again, I emphasise that the penalties need to be strong on drug-drivers but we also need that balance.

I commend the minister for the bill. I endorse the words of the member for Gregory when he talked about the excellent work the Transport and Main Roads Department does. I also congratulate Don Steele, who was in charge of the busway and is now the South-East Division Director for Main Roads. Once again, he is still looking after my patch. I look forward to working with Don and his staff on important issues in the electorate of Mansfield. I commend the bill to the House.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (5.51 p.m.): In speaking to the Transport Legislation Amendment Bill, I wish to reaffirm the importance in my electorate of transportation corridors, both rail and road. I know that the minister has worked very effectively in the electorate with the various authorities in an attempt to enliven an effective transportation corridor. We have a number of corridors, one of which is addressed in this bill. It is not a transportation of vehicles corridor at this point in time. I refer to the Gladstone East End to Harbour Corridor that will be a multi-user tract of land that will have not only conveyors but ultimately haulage routes, et cetera. The amendments in this bill are quite standard in that they represent changes to a number of property descriptions.

I wish to raise with the minister—they are almost old chestnuts now—issues such as the Kirkwood Road corridor, which members in our community see as critical to the effective transportation of particularly heavy vehicles around Gladstone. With the announcements of not only Comalco but in the future Aldoga and other large and heavy industry developments, those transportation corridors will become more and more important. Included in that would be the second bridge over the Calliope River. As I said, I am aware that the minister is very conversant on those issues. I thank him for his willingness to be briefed regularly on the needs for Gladstone.

This bill deals with quite a number of transportation issues. I will comment on just a couple of them. I refer to the powers that will be conferred in the Transport Operations (Marine Safety) Act for the direction of unregistered, inappropriately registered or unlicensed operators and crew of a ship. The ability to direct that ship to a port I think is very important. Already there are safety measures in place to allow inspectors to direct ships that do not conform to our safety standards to a safe port for immediate cessation of operation. I believe that the need is clearly demonstrated for those inspectors to be able to direct unregistered or inappropriately registered ships also. These ships often lead to other damage being done to not only the environment but also other infrastructure when they come in from overseas. That becomes apparent in the port of Gladstone, as I am sure it is in the port of Brisbane as well.

I have a question for the minister in relation to the Transport Operations (Marine Pollution) Act. I am sure this matter is covered, although in the notes I have available to me it is not clear. In

his second reading speech the minister talked about the ability for the ship's master, the owner and, after this legislation is passed, the members of the crew to be held jointly responsible for the discharge of pollutant. I am not underrating in any way, shape or form the importance of being able to appropriately punish those who discharge materials inappropriately into our waterways or indeed onto our land. We know that all sorts of pests—and worse—can be introduced into our waterways, so control on that discharge is critical. However, it also has to be acknowledged that for many ships that are registered, particularly overseas registered ships, the crew would have absolutely no ability to challenge the owner of the ship or indeed the directive of the ship's master. I wonder what recourse there is for crew who do have not the ability to countermand a direction—whether they knew they were discharging pollutant material or not—in order to defend themselves.

The bill also brings into sharp focus the granting, renewing and refusing of approvals for parking permits for persons with disabilities. There is an issue that I am sure the minister is aware of but that I raise because it is regularly raised with me. People with parking permits are regularly disappointed, for want of a better word—they usually feel much stronger than that—when their designated disability parking areas are parked in by able-bodied people. Often if the person parking inappropriately in a disability car park is challenged, they will say, 'I was only going to be a second.' The fact is that these allocations are made for very specific reasons, that is, consideration of the person with a disability to facilitate their access to services. What provisions or additional powers are in train to penalise people who use those parks inappropriately? Currently, a shopping centre owner has to designate somebody to actually carry out the punitive measures. Whether they do or do not is a matter of frustration for people with disabilities. I have had some complaint about people applying for permits for disability parking. I just trust that this amendment does not in any way make things more difficult for those people with disabilities to get those permits.

There are changes to the penalty provisions for alcohol related offences. I notice from the media this week that Victoria is thinking about bringing in legislation for repeat offenders in alcohol related offences to actually deactivate their vehicles in certain circumstances. When these people seek to drive, they will have to blow into some sort of a breath tester, and if the machine indicates they have been drinking alcohol their car is automatically disabled. I wonder whether the minister had given any thought to the advantages and disadvantages of introducing that sort of system. I am not speaking necessarily about first-time offenders. In the scheme of things, a lot of people make a mistake. They may have had a couple of drinks and not realised that either it was stronger than they anticipated or the glass was a different size—or whatever the reason. But for those repeat offenders it would be a very advantageous thing for people simply not to be able to drive their vehicles.

The bill goes on to mention the EBA readings—the evidential breath analysis. In the changes to the evidential breath analysis issues, what ability will there be for motorists who are picked up and the EBA reads against them to challenge the accuracy of the reading of the machine? There appears to be fairly all-encompassing approval of the evidentiary weight of the EBA. I just wonder what remaining ability there is for those people who are affected to challenge the accuracy of the reading.

There was an issue relating to the payment of fines. There is one other matter that I want to cover. I believe that everybody supported the changes to SPER and said that it was a step in the right direction. What has transpired since the changes has been particularly to address what was occurring, that is, fine defaulters going to jail. That was counterproductive. There was no need for that, particularly for those people who did not pay their fines simply because they could not afford to. With SPER there is now an ability to arrange for time payment of the fines.

I wonder whether the minister has given any thought to an issue that has arisen in my electorate in relation to the timing of those time payments. The problem that has arisen is that people who genuinely cannot afford to pay the fine really do not want to get to the stage where they are issued with a warrant and are listed as fine defaulters. They would rather proactively organise to start the payments for the fine option. A couple of weeks ago, a lady came to my electorate office saying that she could not possibly afford the fine. She was a bit annoyed about where the speed gun had been set up. But that issue aside, she was speeding and that was the end of the argument. But rather than being seen as a fine defaulter or getting to the stage of having the deadline for the payment of the fine expire and then having the matter referred to SPER, I wondered whether we could organise something proactively. There are many honest

people in our community who would rather be able to do that without the expiration date for payment of the fine actually being realised.

The last issue on which I wish to commend the minister is an amendment regarding the delivery of a cancelled or suspended licence or licences for endorsement. This brings Queensland legislation into line with the national driver licensing scheme. Once a person had lost their licence or it had been cancelled, that person had to hand in their drivers licence. A lot of people did not realise that they had to do that.

**Mr Bredhauer:** They don't realise their suspension doesn't start until they hand it in.

**Mrs LIZ CUNNINGHAM:** That is right. There was one young bloke whom I took on face value. He said he definitely had not driven for the entire six months of his cancellation. But at the end of that period he went back to get his licence and they said, 'But you haven't started.' He was mortified. He assured me that he had not driven, and I had no reason to disbelieve him. So I commend the minister for that change, because even if it is there in fine print many people do not realise that they have to physically hand in their licence for that cancellation or suspension period to start.

In rural and regional Queensland we do not have the busways that exist in the south-east corner of the state. Therefore, we rely very heavily on transportation both for industrial purposes and for our own personal commuting. The introduction of better safety measures in this bill is welcome. Provided that there are adequate safeguards for the rights of individuals to challenge particularly those breathalyser readings, I commend the minister for the bill.

**Ms PHILLIPS** (Thuringowa—ALP) (6.04 p.m.): This bill amends the Transport Operations (Marine Pollution) Act 1995 by amending that act to ensure it continues to protect Queensland's marine and coastal environment by minimising deliberate and negligent discharges of ship-sourced pollutants into coastal waters. This is particularly relevant to my electorate of Thuringowa, which has many kilometres of coastline and waters along the Great Barrier Reef.

In 1973, the international community responded to worldwide concern about the threat to the marine environment and coastlines posed by the discharge of ship-sourced pollutants. The international community's response was the International Convention for the Prevention of Pollution from Ships 1973. The convention, for the first time, set international standards for the proper construction of ships designed to carry oil and noxious substances and laid down rules about the level of discharges that may be made into the sea without risk to the marine environment. The convention, as amended, is known as MARPOL. MARPOL was ratified by Australia in 1987. The Transport Operations (Marine Pollution) Act 1995 gives effect to MARPOL. This approach complements the approach adopted by the Commonwealth and the other Australian states.

The amendments before the House are the further finetuning of this important legislative scheme. The act reflects the national and international response to ship-sourced marine pollution and establishes a legislative scheme whereby those responsible for marine pollution incidents may be subject to prosecution and heavy fines and may be liable to repay expenses incurred in responding to a probable or actual discharge of a pollutant. This is commonly known as the polluter-pays principle. Queensland Transport is strongly committed to keeping Queensland waters pollution free. These amendments assist by ensuring the Transport Operations (Marine Pollution) Act 1995 continues to encourage industry and community compliance with environmental laws.

In November 2000, the Malaysian registered ship *Bunga Teratai Satu* grounded on Sudbury Reef near Cairns. This incident saw the national plan to combat pollution of the sea by oil and other hazardous and noxious substances enlivened, demonstrating the strong links that Queensland Transport has with the Commonwealth and other state agencies and industry in its readiness to deal with major potential marine pollution incidents. Of course, it is preferable that marine pollution incidents do not occur in the first place. There is an extensive suite of measures in place which aim to make the fulfilment of the purpose of the act achievable.

Clearly, Australia is an island nation absolutely dependent on international sea trade to sustain its livelihood and standard of living. The Great Barrier Reef envelops the sea lanes that support this trade, feeding the 13 ports along the Queensland coast which abut the Great Barrier Reef. The maritime trade which utilises the Great Barrier Reef must do so without detriment to the marine environment. A risk-free environment can never be achieved, but minimisation and control of risk can be achieved through preventive and planned means.

The bill extends the class of person who may be prosecuted for discharge offences under the act to include members of the ship's crew whose act or omission caused the discharge. This amendment continues to hold the ship's owner and master criminally responsible. However, it now includes any other member of the ship's crew whose act or omission caused the discharge. The effect of this extension of the class of person who may be prosecuted for discharge offences will allow for the person actually responsible for causing a deliberate or negligent discharge to be accountable for it.

The bill reduces the size of ship that is required to have a shipboard oil emergency plan to all ships over 35 metres. Ships of this size do have the potential, if a spill occurs, to cause significant environmental harm. An outcome of the *Bunga Teratai Satu* incident is contained in the bill, which amends the definition of 'discharge expenses' to make it clear that costs incurred by the state or a port authority in preventing a discharge or likely discharge, even if no discharge ultimately occurs, are able to be recovered.

It also expands the operation of the part to the recovery of discharge expenses generally, and not merely when a ship is detained as a security against costs incurred. By this means, it addresses an existing deficiency in the act by making it clear that discharge expenses are recoverable jointly and severally from the owner and the master of the ship from which the pollutant was discharged or likely to be discharged. This also makes it clear which ship's owner and master are responsible for discharge expenses when one or more ship is involved in an incident; for instance, a collision at sea.

These amendments arise from experience in implementing the act, which, like MARPOL, must be alive to the developments which are taking place in the maritime industry and responsive to the needs for clarification and finetuning as this important piece of legislation develops. I commend the amendment bill to the House.

**Hon. K. R. LINGARD** (Beaudesert—NPA) (6.11 p.m.): At the start of this debate I heard the member for Mansfield speak in glowing terms about the bus strategy in South Brisbane. There is no doubt that I support all of those thoughts expressed by the member, and I support the viewpoint of the integrated bus service and what is happening at Mount Gravatt. That is excellent.

The member for Mansfield mentioned 'the people of south-east Queensland'. An unfortunate situation has just developed—and the minister has been approached in relation to it—50 to 60 kilometres south of the area the member for Mansfield was speaking about. At Mount Tamborine, the subsidy for the bus service has been withdrawn to the only community bus service between Mount Tamborine and Beenleigh. I see the minister is shaking his head. I agree that it has not been withdrawn yet, but there has been notification that it will be withdrawn on 21 December.

I agree that there are two sides to the argument. A private bus operator from Logan Services originally owned this particular bus service and it has now been picked up by another private operator. I believe that perhaps something has gone wrong during the contact between the private operator and the Transport Department.

I say to the Minister that I believe that this particular commuter bus service subsidy should be reconsidered, even if it is only for six months, to allow the private operator and the Mount Tamborine community the opportunity to reassess the situation. At one time there were at least 40 to 50 people catching the bus from Mount Tamborine to Beenleigh and then continuing through into the city. I am not supporting the angle that the service should go from Beenleigh into the city on the busway because there is an excellent rail service now. There is only a need for a service for commuters from Mount Tamborine to Beenleigh. However, if this particular subsidy is withdrawn, there will be no community bus service from Mount Tamborine towards the city. There is a community bus service from Mount Tamborine towards the Gold Coast, but this will affect people who wish to travel north from Mount Tamborine.

The bus subsidy is being withdrawn and is to cease operation on 21 December. As a newspaper reported—

> This will be a sad day for the many people between the mountain and Beenleigh who depend on this service for work, business, medical, shopping and leisure purposes.

I am aware of a particular individual at Mount Tamborine who at present has limited sight, who travels overseas and who uses this particular bus service to travel to Beenleigh. He then travels from Beenleigh straight to the airport. It is an excellent service. However, if it is reduced, obviously he will not have it available to him.

For some years the service has been supported by a State Transport Department subsidy and it is not viable without it. There is no doubt that it is not viable without it. There are not many people catching the 6 o'clock morning bus to Beenleigh. However, there is no doubt that the decisions of the previous operator were not conducive to the running of a decent bus service. There is also no doubt that the service was not advertised well or advertised on Mount Tamborine.

I believe that a period of six months should be allowed for consultation between the community of Mount Tamborine and the new bus operator as to how this particular service could be improved, and I believe that the bus subsidy should remain for that particular period. For some years the service has been supported by a State Transport Department subsidy and it is not viable without it.

Recently the state government announced that it was removing the subsidy and, understandably, Logan Coaches have decided they can no longer afford to continue the service. I see the minister is shaking his head. If the minister does know something different—and there is no doubt that letters would have been received by the minister in the last week—then the minister in his summing-up might indicate exactly what is happening. I agree that at present this service is not self-supporting and there is no way it can continue without the subsidy.

There are a number of points which should be made. This is the only public transport to and from Beenleigh. If this particular bus service is withdrawn from Mount Tamborine, there is absolutely no way a person without a private vehicle can come north towards Brisbane. They can go to the Gold Coast, but they cannot come north towards Brisbane. Apart from residents using the service for the purposes already stated, some high school students leaving school late after extracurricular activities depend on it. Some residents on Tamborine mountain and along the bus route have no private transport and are entirely dependent on public transport. At a community meeting on the weekend, I heard some very sad cases of both younger and older people who are certainly very definite that unless this service is retained, they cannot continue to live where they are.

I have already said that without this service, the residents have no direct link with the recently constructed rail system to the Brisbane airport. That is particularly important for a retired university professor who travels overseas and is partially blind, who has continued to use this service for a very long period. The public transport needs of our large and growing number of retired residents will increase rather than decrease if they are to stay in their own homes and not become isolated. The alternative is to move to a larger centre, which most people hope to avoid.

The population of the Gold Coast and the hinterland is predicted to rise by one million over the next 20 years. To service this expanding population and to reduce road congestion, public transport needs to be increased, not reduced. I think most people who know this particular corridor around Beenleigh, Mount Tamborine and Logan Village would agree that those areas are growing very dramatically. If the economy worsens, more people will depend on public transport and will become isolated and excluded without it.

The state government's own integrated transport plan includes a service linking the Gold Coast and Beaudesert via Tamborine mountain. Is this to be ignored and Tamborine Mountain to be excluded from this plan? What these people are pointing out is the fact that they have access from the Gold Coast through to Tamborine Mountain, but they certainly do not have access to the northern part.

Some people are asking: is the government serious about reducing greenhouse gas emissions? They are asking that the community come together in a consultative group and that the minister give them six months. Instead of cancelling the subsidy, the bus owner has agreed to look at this issue, to talk to the consultative group and to the Mount Tamborine residents, and to advertise this particular service. If the minister agrees at the end of six months that it is still not viable, I would agree that maybe then the subsidy should be withdrawn. However, there are very exceptional circumstances in this particular case.

I believe the previous owner did not advertise the bus service correctly and did not do the right thing by the residents of Mount Tamborine. As a result, the Transport Department has said, 'It's not viable. There are obviously not many people taking part in this particular service. Why continue the subsidy?' I would agree, if that is all the commuters we will have using this particular service. I ask the minister for consideration of a six-month period in which this consultation with the community can occur.

**Mr STRONG** (Burnett—ALP) (6.18 p.m.): I rise to support the Transport Legislation Amendment Bill. I will speak particularly about the transport of dangerous goods by rail and the amendments that are planned in this bill. The bill offers a practical and flexible approach to the carriage of dangerous goods by rail that does not compromise public safety or hamper industry innovation. Without impacting on existing provisions relating to the carriage of radioactive materials or explosives, this bill succeeds in establishing a legislative framework for the carriage of dangerous goods by rail. This framework will complement the existing scheme for the carriage of dangerous goods by road contained in the Transport Operations (Road Use Management) Act and the Transport Operations (Road Use Management) Dangerous Goods Regulation of 1998.

This bill helps Queensland meet our commitment under the Heads of Government Agreement 1992. The bill paves the way for the adoption of the rail provisions in the Australian code for the transport of dangerous goods by road and rail, or the ADG code, as it is commonly known. This code, originally approved by the ministerial council for road transport, was endorsed by the Australian Transport Council as one of the National Road Transport Commission's reforms. The requirements of the ADG code represent the consolidated efforts of all the Australian states and territories in the development of effective safety standards for the transportation of dangerous goods. Queensland's adoption of this code in legislation ensures that our approach to dangerous goods transportation is consistent with the approach taken in other jurisdictions in Australia.

Clearly, there are benefits in adopting the nationally consistent requirements in the ADG code. A national approach assists in maximising the uniformity of safety requirements between jurisdictions without imposing additional or unnecessary burdens on industry when goods are transported between the states. The result of this bill will be that suppliers and consigners will continue to have confidence in the use of rail as a viable alternative when transporting dangerous substances into Queensland.

The incorporation through later regulation of rail components of the ADG code into Queensland's legislative scheme follows the previous adoption of the road aspects of the ADG code. Importantly, this bill and its consequential regulations will result in consistency between the safety standards to be applied between the road and rail modes of transporting dangerous goods. As occurred when the road legislation was introduced, I anticipate that this bill will further enhance Queensland's reputation for safe and efficient transportation of dangerous goods.

I recognise that legislative reforms relating to transportation of dangerous goods by rail that are introduced by this bill will impact on two pieces of legislation: the Transport Infrastructure Act 1994 and the Transport Operations (Passenger Transport) Act 1994. Clearly, this approach allows the new provisions to build on the tried and true strengths of existing legislation. The Transport Infrastructure Act clearly contains many provisions relating to rail transportation. This bill is merely a logical extension of these provisions to address the safety and accountability issues inherent in the transportation of large quantities of dangerous goods by rail. Importantly, the amendments of the Transport Infrastructure Act also provide for the development of regulations. As well as incorporating provisions of the ADG code, these regulations have the scope to ensure that this legislation is flexible enough to meet the changing needs of industry without compromising safety.

The bill itself reflects the need to allow for industry innovation. This is apparent in the approach to approvals and exemptions. This bill succeeds in producing amendments that encourage dangerous goods-related industries to continue to develop and improve their standards. But safety is clearly one of the main pillars of the bill. Queensland already has a strong record of safe and efficient transportation of dangerous goods whether by road or by rail. Incidents are few. Fortunately, these incidents rarely result in fatalities or environmental damage. This is a credit to the responsible approach adopted by Queensland road and rail operators.

But this bill does not rely on the good fortunes of the past; it is based firmly in reality. This bill recognises the potential for catastrophe if a rail tanker full of dangerous goods were to spill whether through negligence or by accident. The amendments in this bill relating to dangerous goods by rail emphasise the need to protect not only the safety of communities but also the environment and personal and public property. I commend this bill to the House.

**Mr ROWELL** (Hinchinbrook—NPA) (6.23 p.m.): This is an important bill that has many aspects. I would like to speak to the aspects of it that relate particularly to my electorate. Roads are certainly a very important issue, and any improvements that we can make to the roads throughout Queensland will be of maximum benefit to the many people who use those roads. Unfortunately, I have not seen the Roads Implementation Program for this year. I understand it is

coming in very shortly. However, some of the indications are that it will allocate only a very paltry amount to roads in the Hinchinbrook electorate.

The National Highway is extremely important. The state government prioritises what is important in terms of expenditure on the National Highway. I understand that there are some programs for the rehabilitation of the pavement, which is quite important. Of course, I understand that projects such as the John Rowe bridge are still on the program. I suppose that boosts the amount of money that is perceived to be expended by the department, which actually it is not, because these projects have been completed. There is an urgent need for work to be done on the National Highway. The road on the north side of the Cardwell range is particularly bad; it is very twisty. I am sure the minister would be familiar with it. I believe a plan is under way to straighten and realign that road. That is essential, because recently there have been a couple of accidents in that area within a matter of about 10 minutes of each other, including a fatal one.

Those accidents are occurring because of the condition of the paving and the weather conditions in that region. We must do something about that section of the highway very soon. I think the minister has a responsibility to acknowledge that it has become one of the worst sections of highway in north Queensland. A lot of trucks use that part of the highway. Certainly a lot of tourists pull caravans up and down that road. Of course, because of the condition of the pavement and the alignment of the existing road and the heavy transport that uses that road, in slippery conditions it is extremely dangerous. I would certainly like the minister to take those factors into account. I realise that he does not necessarily provide the money. However, I think the improvements that are needed to the National Highway are part of the responsibility of the state. The minister determines where the needs are and where work needs to be done. To a large extent, the minister oversees the construction work. That is part of the state's role.

**Mr Bredhauer:** That's true. We don't determine the priorities, though; the Commonwealth does.

**Mr ROWELL:** Where there is a pool of money, the minister would go to the Commonwealth. The Commonwealth would certainly take a lot of notice of what the minister says needs to be done.

One of the other areas that is quite important is the Murray flats, which is a low-lying area on the highway. In the wet season, when there is considerable heavy transport traffic and tourist traffic—although not so much at that time of the year—people passing through that area find it difficult to travel the road because of flood conditions. The banana industry, which is quite big in my electorate—and I will speak a little bit more about it in a minute—is very dependent on being able to traverse these areas throughout the year. Sometimes because of flooding in the Murray flats or the Murray River area, transport has to detour towards the Lynd highway. That is a very costly exercise and it is also a general traffic disruption. I believe that that part of the highway needs to be raised by at least a half a metre to three-quarters of a metre to enable trucks to be able to get through most of the time, as well as general traffic travelling to Tully.

In terms of the state controlled roads, the bridge at Weiss Creek in Tully has been on the books for a while—since we were in government. Work needs to be done on that. Good progress has been made on a section of the Tully Heads road, which is a state controlled road. Provided the wet weather keeps away, that good progress will continue. I would like to commend the government for pushing that ahead, because it is a very vital road. The community at Tully Heads needs access out of that area. We find that a lot of elderly people, the older generation, are moving down there because of the lifestyle, the fishing and so on. It is essential that the height of that road is lifted by about 800 millimetres, which will make a substantial difference, particularly during wet weather. As I said, progress is going particularly well with that road and I believe that if we get a fair run with the weather it will probably be completed by Christmas. The single-lane bridge crossings of Gracey and Scheu Creeks in the Innisfail district are extremely dangerous. It appears that at present they are on the never-never list. Not a lot has been done. I see that little amounts of money are being spent on planning, but those bridges have been on the program for a long time. They are very narrow, dangerous bridges and it is disappointing certainly to the residents who live in that area that work has not been carried out on them.

The government has committed $10 million for the South Johnstone bridge—that is the one behind the mill. I do not know when work on the bridge will actually commence, but from what I have seen of the RIP program some work will be done on planning. In 2004 or 2005 about $8 million may be expended on that bridge. Of course, the TIDS program is very important; a lot of

work is taking place on the pavements. That is usually a 50 per cent joint venture between the Department of Main Roads and the councils.

The Tully heavy vehicle bypass is extremely important, and has been funded to the extent of $1.65 million. It is extremely important, because the road which traverses Tully and which takes heavy transport at present is totally unsuitable. The road currently goes past a school; in addition, the bypass will get the traffic out of the main section of the town itself. But I am intrigued by the Black Rock State School. Does the minister know where the Black Rock State School is, because I notice that it is on the program for the construction of a set-down area. With the minister's knowledge of Ingham I am sure that he also would be surprised by the Black Rock State School needing a TIDS set-down area. But anyway, these things happen. It is intriguing that one sees these things happen at times.

I refer to the banana industry and to the fact that bananas now cannot be railed to Sydney. Queensland Rail is a very important state government revenue-raising enterprise. It now appears that NSW has decided to defer its funding commitment until we comply with protocols relating to black sigatoka. Probably about 20 per cent of the product that comes out of Tully, about 500 tonnes per week, is sent out by rail. If the product cannot be sent by rail, we will have to find road transport for it. Of course, as I have indicated, that will be a loss of revenue to the government. I must say that over time we have seen improvements in the refrigerated containers used by QRX. With the time that containers now take to get to Brisbane, rail has become a very popular form of transport. Hiccups between governments over protocols in these sorts of matters will see the loss of revenue for the rail industry. Of course, that will also put more trucks on the road to meet the demand at present in terms of getting that product to market. Because the banana industry will increase its usage of road transport, this has other implications: other industries that presently want the trucks will find it difficult to find them to get their product to market.

I refer to the tilt train. I understand that it will cost about $140 million. In my opinion, this tilt train is probably too early to gain the patronage that we had hoped to see on it. Perhaps in five to 10 years there might be some demand for the tilt train, but from my observations there is not the demand that the government expected. It will remove about six hours from the trip between Cairns and Brisbane. There are a number of problems in relation to railway crossings used by the sugar industry, because the registration of crossings that many people haul sugarcane across may be cancelled and, as a result, some growers will have to haul cane for some distance. The minister would realise that along that line there are many crossings that people use to get their sugar crop from one side of the railway line to the other. Lights on level crossings will also be an issue. Of course, with the increased speed of the tilt train, improvements to crossings will be necessary.

One of the main features that is quite important is the money which will be spent on improvements to the track. I understand that about $320 million will be spent. That will not be of benefit just to the tilt train: that will be of benefit to rail freight in general. That will be a major and important issue to north Queensland, because wherever we can improve the track we can improve the speed of the carriage of freight. But one matter about which I am not quite sure is whether the $320 million that may be used exclusively for the tilt train will really benefit the freight industry at all. Because of tunnels and certain requirements of the tilt train, such as the speed it will be travelling at crossings, some of that $320 million will be required for the tilt train exclusively.

I refer to marine facilities. In about 1991 or 1992 a jetty was constructed at Clump Point. Unfortunately, that jetty probably has only another three years of active service remaining. The jetty has deteriorated very quickly, and the maintenance on it presently costs about $120,000 annually, which is the total revenue from the tourist vessels that use that area. This contribution, while it keeps going, will maintain the jetty, but the joint management group of the Johnstone and Cardwell shires is finding that the maintenance cost is starting to escalate. There will be some other requirement for access by the tourist vessels which use that area to take passengers out to places such as Dunk Island, Beaver Reef and many other destinations along that coastline. It will be something for which the government, the industry and the marine group of the two shires will need to sit down and find a solution. I attended a meeting the other day. There was a great deal of concern about the future of the wharf. We know that it will not last too long, but of course we need to consider what will replace it. I know that a number of buses come down from Cairns and take tourists to the boats that tie up there before travelling to the different islands and reefs. It would be a great loss if we could not replace that facility with something suitable. A boat ramp was recently built and it is proving to be immensely popular with the users of small boats. There is

a requirement there for a more decent and more permanent facility because the wharf is deteriorating. In rough conditions the tourist boats have many problems in tying up to the wharf.

Other issues concern Mourilyan Harbour. Mourilyan has a boat ramp whose entrance is exposed. Many of the operators of small boats have difficulty in either launching their boats or returning them to their trailers. As a result, boats suffer damage. I have no doubt that eventually someone will be hurt there. I believe that engineers from the Department of Transport have had a look at the situation. There may be some prospect of a rock groyne or something of that nature being built there for the assistance of the boating public. We find that not only Innisfail people are using this facility; people from the tablelands and from north and south of Innisfail also come to the harbour. However, the launching facility leaves a lot to be desired in rough weather. When the sea is choppy people have many problems with their small boats. Obviously some mechanism to deflect the waves is necessary. We need something that will prevent the waves from rolling into the boat ramp. We also need a pontoon where elderly or disabled people can either enter or leave a boat. These people can use the pontoon and thus have easier and safer access to the land.

Dungeness has similar problems. At the present time the council is considering the question of a pontoon. There are problems with commercial fishing. There are problems with regard to a channel which will grant access to the sea. Over time much has been done in an endeavour to improve that access. However, it seems to be getting worse because of the siltation problems at the mouth of Enterprise Channel. It is necessary that a groyne, or something similar, be built there to enable people to use this excellent facility. This would enable reasonable sized vessels to have access to this area.

All along that area of the coast people are interested in fishing and boating and it is necessary that they have these types of facilities. At Rollingstone the council was considering widening the ramp. We have a similar type of problem in that area because the tide goes out a long way and access to the boat ramp is difficult. It is very popular and is used by many people during holiday periods. It would be of great benefit if the ramp could be widened. We need a facility which people can access in great numbers.

In areas such as the Hinchinbrook Channel boating is an extremely popular pastime. I know the question of speed boats is covered in the legislation. We have had some problems with speed limits in the Hinchinbrook Channel.

Time expired.

**Mrs CHRISTINE SCOTT** (Charters Towers—ALP) (6.45 p.m.): I rise to speak on the Transport Legislation Amendment Bill 2001 and the amendments to the Tow Truck Act 1973 and the Transport Operations (Road Use Management) Act 1995 contained within that bill. The Tow Truck Act 1973 included a cumbersome and dated system whereby persons adversely affected by decisions of a delegate of the chief executive to refuse, suspend or cancel a licence issued under the act could only seek redress through an appeal tribunal. The appeal tribunal consists of a magistrate, an impartial officer of the Department of Transport and a person appointed by the minister from within the towing industry. The process of establishing an appeal tribunal can be administratively onerous and particularly time consuming. The current process of appealing against a decision is not consistent with the provisions of the Transport Planning and Coordination Act 1994.

The replacement provisions provide for the chief executive to review decisions adversely affecting a person at the request of that person. The person is entitled to be given reasons for the original decision. The review is to be carried out in accordance with the provisions of the Transport Planning and Coordination Act 1994. Once the review has been completed, the person is to be provided with the 'reviewed' decision together with reasons for that decision. If the person remains unsatisfied, the person may then have the matter heard in the Magistrates Court. The amendments propose to bring the act into line with other road transport legislation, in particular the appeal provisions contained within the Transport Operations (Road Use Management) Act 1995.

I wish to speak of the need for an upgrade to a sealed surface of a section of the Bowen Development Road from Mount Coolon to its intersection with the Gregory Development Road near the Belyando crossing. Mount Coolon is a tiny community situated 53 kilometres east of the Gregory Development Road and approximately 130 kilometres south west of Collinsville on the Bowen Development Road. It is vitally important to the people of the area that we upgrade the links between their isolated community and the major highways. These links are important for

safety as well as for social and economic reasons, for getting our children to school and products to market—both in as good a condition as possible—and getting safely back home again from trips for shopping, medical treatment and the hundred other reasons we traverse the highways and byways each year.

The people who live in the Mount Coolon region are hardworking salt of the earth people and this area would benefit greatly from the increased traffic flow with its resultant economic benefits following an upgrade of the road. The road in its present state struggles with adequacy for the heavy livestock transports servicing the area, and the wear and tear on these transports is extensive as a result of the road conditions. I agree with the residents of the area that this road is of major importance to the social and economic growth of the region. The reasons for an upgrade to a sealed surface are legion. If it were upgraded it would serve the economic needs of the region to a far greater extent than is presently the case. This would enable more efficient transport of livestock and other commodities. People in the area deserve to be able to get to health and education services by being linked to the sealed Gregory Development Road. Safety for those who already use the road would be greatly enhanced as well as for new users encouraged by new bitumen.

In conjunction with the upgrading of the section from Mount Coolon to Collinsville the road would become an economic conduit for the entire region. If the road were bitumen, trucks from Bowen would use the road more and take pressure off the coastal highways as well as providing an alternative route during the wet season. I look forward to our government sealing all the roads in my electorate in due course. I commend the Transport Legislation Amendment Bill to the House.

**Mr MALONE** (Mirani—NPA) (6.48 p.m.): It is with real pleasure that I rise to support the Transport Legislation Amendment Bill as my electorate covers quite a bit of road infrastructure in Queensland. My electorate starts at The Caves on the highway and goes right through to Farleigh, which is about 10 kilometres north of Mackay. It covers quite a distance of the Peak Downs Highway that emanates from Mackay and moves out towards the coal mines.

Quite a number of issues come to mind in speaking to the bill. In my electorate we face some very difficult times in terms of accidents on the highway and in maintaining the highway. One of the real issues we face concerns the little town of Walkerston which is on the Peak Downs Highway.

Walkerston is growing in size very considerably. Over the years as the highway has moved directly through the township of Walkerston the transport of fuel and machinery to the mines is becoming very dangerous. Around about 20 B-doubles filled with fuel move through the town every day and the school basically fronts the highway. As a result, it is becoming quite dangerous. Going back 25 or 30 years ago when Tom Newbery was the member for Mirani there was a move to bypass the highway around Walkerston. At the moment we have moved no closer to that bypass. I am advocating as strongly as I can to have a corridor built which ensures that the traffic moves away from Walkerston. A bypass is needed in the future to ensure that Walkerston remains a safe township. There also needs to be safe and direct access into east and south Mackay where industries have been established as a secondary support for the mining industry.

There are quite a number of issues relating to the section of the highway between The Caves and Mackay. It covers an area which is frequently highlighted on the news because there have been accidents. There have been a lot of single-vehicle accidents in the Marlborough-St Lawrence area, many of which are almost unexplainable. The police assume that most of the accidents are either fatigue or alcohol related or the result of boredom. Even though it is very hard to deal with those situations, there are major accidents on that road on a daily basis. My view is that we need to use audible lines on the edge of the road. That is a real lifesaver, particularly when drivers become fatigued. There is also a need to look at different strategies in dealing with fatigue along that section of road, which is about halfway between Brisbane and Cairns. Many people drive that route and at that section move into the fatigue zone. We need to look at ways to help drivers get through that section of road without accident. I certainly do not have the answers to the problem. It is disheartening to see good drivers have disastrous accidents on that road. As I said, we need to look at special means of overcoming that problem.

The legislation before the House gives me an opportunity to speak about some of the issues relevant to my electorate. One of those issues is signposting, particularly in the Pioneer Valley area. It is a tourist destination. Many tourists travel by car along the coast. Unfortunately, there is not a lot of signage on the highway to indicate the attractions available off the highway. It is

important for the minister, through the department, to canvass the views of the people. I am sure that a great deal is done to highlight the tourist destinations along the coast or just inland from the highway. The Pioneer Valley-Finch Hatton Gorge area springs to mind, as does the national park at Eungella and the new national park at Homevale. They are great places to visit and it is good to encourage tourism into the electorate and into Mackay. Mackay is desperately looking for some means of supporting a tourist-based industry in order to help out the local economy. Main Roads in conjunction with local councils can do a lot to ensure that tourists are aware of the excellent attractions on offer off the main highway.

There are a few other issues I want to raise. New work has been done on the Walkerston-Eungella Road, which is a main road. The work done was excellent, but there is a problem because houses are reasonably close to the road. People turning into those houses have to slow down in order to turn from the main road into their properties. The Branscombe Road turn-off from the Eungella Road has created quite a problem. I have spoken to the local engineers. They are looking at widening the road to allow cars continuing straight to go around those cars that are turning. However, it is disappointing that during the engineering design stage no consideration was given to that situation. I hope to work with those people in that area to try to overcome that problem as quickly as possible.

Members would recollect that the old highway used to come down the Sarina Range. The old highway still supports the transport needs of a thriving cattle industry inland from Mackay. For many cattle producers, the closest access to the abattoir or saleyards is down the Sarina Range. Even though there was a time when B-doubles were allowed down the Sarina Range, that has now been stopped. I have been trying for quite some time to have B-doubles allowed to resume using the Sarina Range. It is a huge saving for cattle transport. The only other route is to come up the Marlborough Road, head back out to the Peak Downs Highway, come down through Eton, back through Walkerston and then directly to the abattoir at Bakers Creek. That increases the distance to be travelled by up to 75 kilometres and it becomes a fairly expensive exercise. Main Roads has devised a way of allowing B-doubles down the range which would involve some type of signposting consisting of lights to show if there was a B-double already on the range either coming down or going up to prevent two B-doubles crossing the range at the same time. That could be an option and it is worth looking at.

In relation to the road to the national park at Eungella, there has been a problem of late with larger buses getting up there. It is important that the transport needs of the tourist industry are met. If a bus load of tourists heading to Eungella cannot get there, it becomes quite a problem. There is some work being done. Hopefully, that will overcome that problem. There are also another couple of black spots I want to mention before closing.

There have been quite a number of accidents at the Sandy Creek area about 10 or 15 kilometres south of Mackay. A service station has been established on the side of the road. There has been a problem with accessing that service station. As a result, quite a number of accidents have happened in that vicinity. I have talked to the department about looking at a type C intersection for access. Currently, the access is via a type B intersection. It certainly creates some problems. My understanding is that Main Roads is currently looking at that. Something needs to be done reasonably quickly so that as we move into the wet season there is less chance of an accident happening in that region. As I said, there have been quite a number of accidents already. We need to minimise the danger in that area.

Another place that is becoming quite a problem is the Hay Point turn-off from the Bruce Highway. Vehicles travelling south turning into Hay Point Road seem to either access that road at too high a speed or there is something wrong with the camber or the engineering on the corner. They hit the inside kerb, roll across the road and a number of them have ended up in Mr and Mrs Zelenka's yard, which is across the road, either upside down or badly damaged. That is creating quite a dangerous situation for the family living there.

Sitting suspended from 7.00 p.m. to 8.30 p.m.

**Mr MALONE:** In conclusion, there are a couple of issues I want to raise. Members would recollect that in recent times there was a major failure in the transport of coal to Hay Point with the derailing of the coal train at Black Mountain. The report into that incident has just been released. It targets an O ring loose in the system which created a problem with a valve, resulting in the brakes being unable to fully engage. The incident caused $20 million worth of damage. It cost $600,000 to clean up and repair the track. It was a very expensive operation.

I have raised on a number of occasions the basic maintenance concerns regarding not only the track but also the workshop. I have spoken to the two drivers involved in this incident. Fortunately they were uninjured but they were certainly shaken by the incident, and they are very concerned about it.

**Mr Bredhauer:** Hang on. You can't attribute this to a maintenance problem.

**Mr MALONE:** I am not particularly attributing it to a maintenance problem. How the O ring dislodged or gained access to the inside of the system remains to be seen. The discussions I have had with people indicate that further testing needs to be done on the trains as they move through the workshop. There is a real problem with communications on the range, as the minister well knows. At certain times the loco controllers cannot talk to the crew at the back of the train because they lose contact. That did not seem to be the problem in this case. It was a systems failure.

In talking of the systems, there are two different air pressures in the system. There is a higher pressure and a lower pressure, and because of the O ring dislodged in the reduction valve, the higher pressure was able to lift off the brakes. You can put it down to bad luck or whatever, but the fact of the matter is that it happened, and it could have been a hell of a lot worse. We could have lost a couple of people as a result of it or, worse still, if another train had been coming up the range empty it could have been a very expensive operation. More controls need to be put in place to ensure that those sorts of incidents do not happen. The cause of this incident has to be examined very closely. The crossing from Connors Range to the coastal plains is a steep descent. It is a really critical point of the coal train operation. This matter needs to be considered seriously.

The other issue is one that my colleague the member for Hinchinbrook raised. I refer to the crossing of the rail corridors for both the fast train and coal trains. Just north of Yukan, the coal train corridor crosses the north coast line as it moves to Hay Point. As more trains move onto that line and with the extent of the hold-ups at the occupational crossings, it is becoming evident that boom gates must be installed on these crossing. Farmers are being forced to contribute to the cost of boom gates. At this particular crossing that cost is around $250,000. That is a huge cost for farmers to have to bear. With the upgrading of the coast rail corridor to accommodate the tilt train, I would assume that many of those crossings will require the installation of boom gates in any event. I hope that farmers and those who use those occupational crossings will not be put in a position where they have to contribute that sort of money to the upgrading of the crossing when it will ultimately be used by the fast train as well as the coal train. With those few comments, I conclude my remarks.

**Ms STRUTHERS** (Algester—ALP) (8.35 p.m.): The Algester electorate is the transport hub of south-east Queensland. Acacia Ridge alone contributes 10 per cent of the economic wealth of the Brisbane region. It is a productive electorate, full of hardworking people. Many road-transport operators are located near my office in Acacia Ridge along Beaudesert Road. We have the freight yard for National Rail and Queensland Rail and, of course, the Archerfield Airport borders my electorate. I am always eager to support legislation and policies which improve our road, rail and aviation industries and which improve the flow of traffic and people around the southern suburbs of Brisbane.

This bill includes numerous technical amendments that I support. I particularly welcome amendments in this bill that seek to reduce the risk that can arise from the transport of dangerous goods by rail and to promote a nationally uniform approach to these safety issues. Thankfully, National Rail and Queensland Rail operate a world-class system with an enviable safety record. Governments at the federal and state level need to continue to invest in rail infrastructure, including track upgrades, to maintain this proud record.

Holding the tag 'transport hub of south-east Queensland' brings great economic benefit to my local electorate, but it does have a downside. Traffic congestion, rail, road and aircraft noise are all issues that require constant monitoring and action. I commend the Minister for Transport and Minister for Main Roads and his departmental officers for taking action to deal with the traffic congestion and noise issues along the National Highway corridor, that is, Ipswich Road, Granard Road, and Kessels through to Mount Gravatt-Capalaba Roads. The minister was instrumental in undertaking a heavy vehicles survey two years ago to get a good picture of truck movements through the southern suburbs. This study showed that 75 per cent of heavy vehicle traffic on the Mount Gravatt-Capalaba Road is local. These trucks are noisy and they are slow, but they serve an essential economic function for our local commercial and industrial precincts. It is sort of a

love/hate relationship that many of us have with them. We cannot do without them, but we get fed up with the noise and congestion.

Certainly a lot of work is being done. A planning study is about to commence. The minister is being very responsive to the issues raised by my colleagues the member for Mansfield, the member for Mount Gravatt and other members in that area who have been on his back for a couple of years now reminding him—

**Mr Bredhauer:** Member for Stretton.

**Ms STRUTHERS:** Yes, the member for Stretton, Stephen Robertson. We have all been on the minister's back trying to obtain some remedies to this problem, and there is good work under way.

While no-one likes paying tolls on toll roads, the removal of the toll on the Logan Motorway would not necessarily bring more of those trucks travelling locally in Acacia Ridge, Rocklea and Coopers Plains onto the motorway. It is too far away. They will not travel backwards to then go on with their journey. Removal of the toll would cost the state government $780 million. While some federal government members have called on the state government to remove this toll and wear the debt, they are not offering federal funding support. I have raised with the minister the possibility of, say, toll reductions as an incentive for heavy vehicles to try to get some of the vehicles out of that local precinct. This is one of the strategies that may be considered within the planning study that is soon to get under way. I encourage the minister to make sure that this issue is rekindled within that study.

The study will investigate and recommend strategies to ease congestion and noise along that Brisbane urban corridor. It is a federal road and it needs federal government action and funding. I urge local residents in my area and across the southern suburbs and the transport operators to participate actively in the study. It is through well-planned work that we will get evidence based solutions. Some of those solutions will be major engineering solutions—big cost strategies. Others will be road management strategies. Some will be around public education. We need a package of solutions to this problem, not quick fixes. I value the minister's interest and his determination to see lasting and effective solutions to the urban corridor noise and congestion problems. I will continue to work with him, his departmental officers and my state colleagues, and any cooperative federal colleagues who want to get on board, to solve and remedy these problems.

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (8.40 p.m.): I rise to speak to the Transport Legislation Amendment Bill. I will raise a couple of very important issues relating to the Toowoomba area. One is the second range crossing and the other is the Gatton bypass.

The second range crossing for Toowoomba has been identified as one of the important infrastructure needs of our area. The Warrego Highway, running from Brisbane through Toowoomba, is generally regarded as the heaviest freight carrying road in Australia. It is the main road running from Brisbane to Melbourne and Brisbane to Darwin. At any particular time on the main east-west road of Toowoomba, which is the Warrego Highway—or James Street—particularly in the afternoons, at each of the intersections with traffic lights more than 50 per cent of the traffic would be B-doubles. The main east-west route through Toowoomba is starting to become seriously clogged with heavy trucks. It is becoming extremely difficult for residents to get from east to west in the city. I would not be surprised if it frightens some people to be sitting in a car amongst half a dozen B-doubles.

It was predicted that the road up the range would become clogged by about 2006. There are various estimates, but 23,000 to 26,000 vehicles per day would clog the double lane highway up the range, particularly because of the percentage of those vehicles that are heavy vehicles and also because of their speed, because they are grinding up the range in a very low gear. Those factors contribute to the clogging of the road. Once heavy vehicles get to the top of the range and traverse Toowoomba, whether they are going to Melbourne or to Darwin they have to proceed through some 16 sets of traffic lights, coming down a steep hill into the centre of Toowoomba. That can be quite dangerous as they approach a number of traffic lights, lights at schools and so forth. They then go past the edge of the CBD and past a major shopping centre area. This is a very pressing and serious problem.

The second range crossing has been proposed for some time. I am pleased to say that some progress seems to be being made. The RIP recently put out by the department indicates that by 2003-04 the important preliminary work of design and research and the purchase of

properties in the corridor will have been completed. That will be a very important step towards the next part of the actual construction.

A number of my former colleagues, particularly Graham Healy and Russell Cooper, did a lot of work in years gone by in getting the corridor identified and in helping to work through the issues. It is always hard to determine where a new highway will be built, whose place will be affected and whether the social amenity of an area will be affected by the vision, the noise or, indeed, people losing a portion of their property or feeling that their property is affected by the road corridor. But that was identified some time ago.

There are a couple of reasons this road will be a great thing for Australia and for Queensland. As I have mentioned, this is probably one of the most important transport routes in Australia, linking south-east Queensland with Melbourne and Darwin. Also, it links the Darling Downs with many of the bulk carriers—the B-doubles and semis that cart grain and other products to Fisherman Islands.

There would be a huge improvement in the social amenity of Toowoomba if our main east-west street were freed up. This new road would take probably 70 or 80 per cent of the heavy transport out of the city. Importantly for the transport industry of Australia, the time spent crossing the range could be shortened by somewhere in the order of three-quarters of an hour—maybe more—particularly considering the time it takes to come up the range, to traverse the 16 sets of lights, to get through Toowoomba itself, through the western suburbs of Toowoomba and out onto the open road.

The proposal for the road is that it would veer right east of Toowoomba and come out on the northern side of Toowoomba. Importantly, it would be about half the gradient of the existing highway. Whereas the highway to Toowoomba has a gradient of about 10 per cent in many parts, I understand that the new road would have a gradient of about five per cent. That would allow most of these B-doubles to traverse the range at around 80 kilometres an hour. There would be huge savings in time and fuel. I think safety would be greatly enhanced. Every now and again we do have a semi go over—a cattle truck, a grain truck or whatever—on the range, where they are coming down in low gear, using jay brakes and so forth. It is a very difficult descent. Much of that problem would be eliminated by a well-designed, well-engineered road such that trucks could traverse the range at that particular speed.

I think it would also greatly add to the ongoing convenience of people on the downs and people in the south-west of Queensland. For those who have to travel from Dalby to Toowoomba, for example, the new road will probably take a good deal of time off their trip. It will really open up that area and people in that whole area will feel that they are closer and that other places are more accessible, if they have to do business in the city for whatever reason. There are a huge number of economic benefits.

There has been a lot of toing-and-froing over this issue over time. I think it is quite clear that this is a federal government responsibility. It is part of the National Highway. I think I am right in saying that the federal government had proposed that full funding to start the road and so forth was to commence around 2007. We in Toowoomba are seeking to have every possible endeavour made to have that brought forward. At this stage some $27 million has been allocated by the federal government for the design of the road, all of the feasibility studies and the purchase of all of the properties. I guess about 50 per cent of the properties in the corridor have now been purchased. I commend the department for the way it has been proceeding in a careful, staged way—just dealing with those properties that needed to be purchased in the early stages for personal reasons and so forth. I think the process has been well managed. I thank the department for the regular briefings it has given representatives of state and federal parliaments and the council about where the project is at.

I have great confidence in the professional ability of the officers of the department based in Toowoomba, and the department itself, to get the design of this road right. It will be one of the great roads of Australia. It will be important that the design is right. At this stage I think they are looking at various alternatives—whether at the top of the range there will be a cut or a tunnel, whether at some stage it could be joined with any proposed rail link and so forth.

Some of the aspects of tunnelling bring about huge expense. I think we all understand that. At the top there may be just a cut with something over the top of it so that the New England Highway can cross it going north. That will be determined. I have seen some preliminary designs and possibilities. At the end of the day, we have to make sure that what is built is an excellent

road at good value for money so that it is not out of the reach of the federal government and out of the reach of our area.

I think this is one of the linchpins to development in our area, along with a number of other projects which have a window of opportunity at the moment, including two proposals for industrial and transport hubs on the western side of the city. The Department of Transport is involved in one proposal, the Charlton complex, and the other proposal is from private enterprise. Both of them would be located right next door to the corridor for this new highway, which will cross the range just north of Toowoomba, link up with the old Warrego Highway in the Charlton area and cross the downs to the south west for about another 15 kilometres to link up with the Gore Highway, which runs down to New South Wales and Victoria.

It provides an opportunity for two transport and industrial hubs and I think it could make Toowoomba and that western side of Toowoomba a mini Singapore for the handling of much freight and maybe the transhipment of freight. The proposed Australian inland railway or the Australian Transport and Energy Corridor—ATEC, as it is called—would come through that particular area, which means that transhipments could occur there. If that exciting proposal of the inland railway can get under way and eventually be linked to Darwin, Gladstone and Fisherman Islands, as is hoped, it will provide an enormous decentralisation boost to our region. Linked with the proposal to bring the recycled water from Brisbane to the Lockyer and the Darling Downs, it means there would be an enormous increase in the amount of containerised exports of produce. It is estimated that the recycled water would enable an increase of $150 million in farm-gate sales in the first year alone. Much of that, of course, would simply have to be shipped away for export. There is enormous potential.

This road is a real linchpin and it has the wonderful attribute of an ability to take out of our large and beautiful city the busiest and heaviest freight carrying trucks in Australia, saving the Australian transport industry a huge amount of money through the ability to cross the range at around 80 kilometres per hour. It would improve road safety greatly and open up the west for the more convenient transport of goods into those warehouses and industrial complexes that could well proceed—and I certainly hope do proceed—on the western side of the city. At the same time, to add to that the benefits that would flow from the use of recycled water would be the icing on the cake.

In the past, our area has not had big coal mines, big ports, big new electrified railway lines, and so forth. This part of Queensland has enormous potential, based on the soil and the sunshine. It just needs water to be one of the food and agricultural bowls of the world and to provide massive exports of agricultural and livestock commodities. This sort of transport infrastructure which allows business to run more efficiently and conveniently and which helps increase exports is just the sort of development to open up the south west of Queensland and the Darling Downs.

Another road infrastructure project I wish to speak about is the Gatton bypass. Again, it is still the Warrego Highway, for which the federal government has responsibility. Since the Gatton bypass was put in place roughly 11 years ago, there have been in the order of 13 fatalities on it. At the latter end of a trip back from Brisbane, it can be a very lonely, long, dark road for people who may be fatigued. It is a road that has had some narrow strips of bitumen. It is a road that suddenly goes into single lanes in the midst of a four-lane highway either side of it, making for some dangerous driving at times. There have been some gradual improvements with passing lanes provided in some sections. However, over recent years it has been the subject of great contention in Toowoomba. Mrs Joan MacDonald led a move to get petitions going and a large number of people signed petitions to have the road upgraded. I am pleased to say that the federal government has provided the funds for that and that it will be constructed in three phases by the department.

**Mr Bredhauer:** It should have happened before now.

**Mr HORAN:** Anyway, it is happening now and it is happening in three phases. The funds will be provided and I think everyone is grateful that the effort of pushing for it has borne some fruit. It will of course be managed by the Department of Transport. I appreciate the briefings we have had from the department and the way in which it is approaching this project. It is to be done in stages to endeavour to minimise any inconvenience that may occur on this particular section of the road.

I take this opportunity to continue to push for the timely construction of the second range crossing. We do not have long before the Warrego Highway will be absolutely choked. It is very

pleasing to see that this preliminary stage will be completed by 2003-04 and it is my wish and hope that we will then move on to construction. That will entail a lot of pushing and lobbying by ourselves of our federal colleagues. I know the local federal member is doing that. He now has a ministry and will be pushing very hard in that regard. Also, I think it needs that continual push from the state government and from elected state members, such as myself, to see that it gets under way.

With regard to the funding and the whole development of this road, there has been strong support from the Toowoomba City Council, the transport industry and a number of financial institutions. The Toowoomba City Council, through the mayor, has been pushing hard to see if there are any possible ways in which this project could be brought forward.

**Mr Bredhauer:** There is no doubt about where she stands.

**Mr HORAN:** In her inimitable style, she has been able to put the pressure on. I see the minister is aware of that

**Mr Bredhauer:** She's good value.

**Mr HORAN:** She is a very genuine lady who fights hard for a cause. I think that what the local community has been doing is to look at any possible way in which this project can be brought forward, and the task force has looked at that.

As I have said, I think one of the keys to this is to have it well done. It needs to be well designed and it needs to be an outstanding road that, for all the money that will be involved, will provide that safety, that access and the speed across the range that we all hope for and one that can have the good exit points and access points and can provide for a good safe crossing of the New England Highway, which crosses it just on the northern side of Toowoomba.

I just make the point for the benefit of the minister's department that we have greatly appreciated the way that the departmental officers in the regional office in Toowoomba have addressed this. They have worked closely with the council and others who are pushing to bring it forward and I think we have to maintain that time span and endeavour to get this road built as quickly as we can, because this is one piece of infrastructure that will bring about enormous economic benefit to Queensland, particularly the export industry, and I believe it will be a big boost to jobs. It will be a big boost to opportunities for young people going through the University of Southern Queensland who will be able to get good professional or good trade work within the export industries that would follow the development of this road, particularly with the additional benefits that would flow from the recycled water and the addition of the proposed transport and infrastructure hubs on the western side of the city.

**Mrs REILLY** (Mudgeeraba—ALP) (8.58 p.m.): I am pleased to rise to support the Transport Legislation Amendment Bill 2001. This bill brings in primarily technical amendments that are aimed at improving public transport and road safety. The busways amendment and, indeed, the busways related projects are fine examples of this government's commitment to improve public transport and to increase access to public transport.

There is no doubting the importance of public transport and its obvious benefits to the community, both socially and environmentally. Transport is an essential component of modern, independent living linking home, work, facilities and community services. As a Gold Coast hinterland member, I represent an area in which residents rely largely on private transport—the motor vehicle. Although that may be the choice of many, for many others there is no other option. The nature of the electorate has been in the main rural and rural acreage, making it difficult to service efficiently with public transport, buses being unable to meet the varied demand of users spread out over a wide area. In the areas of Mudgeeraba, Tallai, Bonogin and Worongary, services that were operated in past years were withdrawn owing to poor patronage. However, in recent years, growth and development in the electorate, particularly in the hinterland suburbs just west of the Pacific Highway—those that I have mentioned already—has been enormous. As the urban sprawl spreads west, these areas will see even more residential development of the suburban and dense housing type and, consequently, further population growth.

Public transport services west of the highway into Nerang and Mudgeeraba are limited in both journey and frequency and are non-existent past the Mudgeeraba Shopping Village. Isolated townships and small communities such as Springbrook, Lower Beechmont and the Numinbah Valley are at risk of shrinking or disappearing—or at least losing their founding members and older residents as those people face becoming prisoners in their own homes. Many elderly residents of these isolated communities are left with no option but to move closer to health

and community services once they can no longer drive. That is a tragedy not just for them but for their community, their neighbours and their friends.

In some of these areas the lack of public transport has been an issue brought to my attention since I was nominated as a candidate. It is continually raised at community and school meetings and in my meetings with constituents and through regular correspondence and phone calls to my office. The proliferation of new housing estates in the Gold Coast hinterland offering new homes at budget prices has made the dream of home ownership a reality for many young families and retirees. Rental properties are also more readily available and affordable in areas that fringe the main town centres of the Gold Coast. Ironically, those areas, by virtue of their affordable housing, also have high numbers of people who are transport disadvantaged because they are on low incomes, they are women, they are elderly, they are people with disabilities, or they are young people. In fact, most of the people moving into these quite affordable housing estates, some of which include quite dense unit accommodation, are young people and young families or older people retiring on the Gold Coast. They are the people who need public transport the most.

The Gold Coast hinterland from Coomera in the north to the border is one of the fastest-growing regions in the fastest-growing city in Australia. Therefore, I am convinced that things have changed significantly enough since the last extended bus services were run—and were then at that time found to be not viable—to try again. That is why one of my first actions since being elected was to raise these issues with the Minister for Transport and to meet with officers of the department to seek better outcomes for the residents of Mudgeeraba.

I am grateful for the minister's support, concern and advice and have since embarked on a public transport survey designed to identify the real demand for public transport in this area. I wanted to know just who wants more buses, why they want to travel, where they want to travel, and when. The survey has been advertised and promoted widely and distributed through schools and community groups and service clubs and it has also been letterbox dropped to some 5,000 residents. So far, of the 5,000 surveys distributed over 150 have been returned. Not surprisingly, the majority of people responding to the survey are young people and the elderly—young people who are wanting to access work opportunities, leisure or vocational education, and elderly residents who want access to shops, medical centres and their friends and family across the Gold Coast.

The Nerang Community Centre has put in a submission identifying a lack of public transport as being directly linked to youth delinquency issues as young people are unable to access leisure activities, vocational education and training, and work. This is especially an issue on the Gold Coast with the nature of the Gold Coast's work force. Most young people are employed in the hospitality or retail industries, which are highly casualised and involve shiftwork, making it virtually impossible for many workers to rely on public transport to get to and from work.

I know that this survey will provide some clear evidence of increased demand. Indeed, it is already starting to show such results. I hope to use this information to convince the operators contracted to service the region, Surfside Buslines, to begin some extended services in the areas that show increased demand and to do this sooner rather than later, even if on a trial basis just to see how things go. It will then be up to the community, of course, to provide the patronage to keep these services viable. I will be doing everything that I can to encourage my residents to use these services if they indeed appear.

I will also continue to lobby for additional support or subsidy from all levels of government to achieve an improved service outcome. I know that there are enormous demands state-wide on the transport budget. I also know that we have an indifferent federal government that would rather focus on leaky boats than real support for desperately need infrastructure for regional communities. I have asked before in this House and I will ask it again: where is the federal government support for regional communities when it comes to the Gold Coast, especially the Gold Coast hinterland?

**Mr Bredhauer** interjected.

**Mrs REILLY:** Yes. That is my point. The federal government's approach to the Gold Coast and its public transport issues in particular is to talk big and deliver little. The members for Moncrieff and McPherson have been deathly silent since their big announcements before the election about securing funding for light rail, all $65 million of it. I say: show me the money, not just for the Gold Coast light rail but for other desperately needed infrastructure projects and for public transport in the Gold Coast hinterland and, in fact, for the Tugun bypass, which they now suggest that we put a toll on because they want to renege on their duties.

In conclusion, I am looking forward to working closely with Surfside Buslines and with Queensland Transport to improve public transport in my electorate and for the people of Mudgeeraba.

**Mr WILSON** (Ferny Grove—ALP) (9.07 p.m.): It is my great pleasure to speak in support of the Transport Legislation Amendment Bill 2001 and the initiatives that are outlined in that legislation. This government and this minister have taken a very proactive and progressive approach on a range of transport initiatives and also in the area of public transport.

Tonight, I want to bring to the attention of the House, the government and the minister the strong concerns of a number of my constituents about the great need for the construction of a car park facility at the railway station at Ferny Grove. That railway station is at the end of the Ferny Grove line—one of the major suburban lines in Brisbane. There has been some planning done for this new car park. It is greatly needed. The railway station happens to be located at a major intersection of Ferny Way, Samford Road and Arbor Street. Members may recall that recently I spoke in this House about the importance of the Samford Road upgrade, which is associated with this car park as well.

The car park has an incredibly difficult configuration of entry and exit points associated with this complex major road intersection. That adds to a lot of congestion around the railway station. Added to that is the fact that there are boom gates across the Arbor Street side of the railway station and the car park. From 6.30 to 8.30 in the morning and in the two-hour busy schedule in the late afternoon, about 2,000 commuters use the railway station. So members could estimate that the total number of commuter movements through the railway station is very, very large. It is the main public transport node for all of the north-west suburbs of Brisbane.

The difficulty is that over a number of years, particularly over the past 12 months, the capacity of the railway station car park has not been coping with the demand for car parking at the station. The result is that in a number of streets in the immediate area—Bunowen Street, Conavalla Street, Baltray Place, and Glenariff Street—commuters are now parking their cars, to the great annoyance and inconvenience of the residents.

Albeit that it is illegal parking in those suburban streets, local residents find it difficult to get council action and police action to penalise that illegal parking. From one point of view, it really is not, in the longer view of things, a council problem in that we are accepting that the patronage of the railway station warrants an upgraded car park, and planning is taking place for that. But in the meantime, there is a local government issue that needs to be dealt with, and that is the illegal parking in the suburban streets. It is creating safety problems for residents in those streets as they try to get into and out of their own residences, and sometimes they cannot actually get in and out of their own residences because of the way in which cars are parked in the street. Cars are parked on both sides of the streets so that it is often only possible for one car to go down the street at any one time and no cars to pass each other, which raises an obvious safety problem.

The initiative that the government identified some year or so ago of doubling the car parking space at Ferny Grove is a great initiative, and the early concept planning has taken place to progress that initiative. I understand that the detailed planning is the next step to take place, and that would involve extensive consultation with local businesses as well as residents before the detailed planning is finalised. But I know that the minister is quite receptive to the issues that I have raised with him previously, that he understands very well, as we do here, the concerns of local residents and is doing everything that he can to address this need. I thought it important in this debate to take the opportunity to voice the concerns of my constituents and urge the government to hasten this project as much as possible.

We understand the competition for public transport funds and transport funds generally is fierce, with many needy projects throughout the state, not just in Brisbane. We are a government that is very keen to look after the needs of other parts of Queensland, not just south-east Queensland. Having said all that, I reiterate that the concerns of my residents and constituents are very legitimate. They have been patient, and on their behalf I urge the minister to take on board my comments tonight and to do as much as humanly possible to progress this very important and worthwhile initiative. Hopefully, we will see some progress in the new year on that. With those brief comments, I again endorse the principles and provisions set out in the Transport Legislation Amendment Bill 2001 and commend it to the House.

**Ms STONE** (Springwood—ALP) (9.13 p.m.): I rise to speak briefly in support of the bill. I particularly wish to speak about the Transport (Busway and Light Rail) Amendment Act 2000. The bill proposes to complete the infrastructure component of the busway legislation and introduces

new legislation to assist in facilitating the operation of the busway. The bill proposes for a prosecution in relation to an illegal advertising notice within a busway unless the person proves the advertisement was placed without their knowledge or permission.

The person whose product or service is advertised is to maintain the notice. These provisions are modelled on the provisions that exist for advertising affecting state controlled roads. The bill will also require the local government to obtain the chief executive's approval to erect advertising. Section 180N is a new provision dealing with the powers of the chief executive in relation to advertising which is situated adjacent to the busway and could create a distraction to the traffic on the busway. I am pleased that this bill will address advertising notices, as it is important that the signage on the busway reflects the sophistication and high presentation that already exists.

The construction of the busway has certainly had a positive impact for public transport travellers in Springwood. It has proved to be a success and extremely popular for the Logan area. Patronage on some Logan City Sunday services has trebled, and people now prefer to use public transport to access the South Bank precinct on weekends. Springwood residents will enjoy more benefits of the South East Busway with the completion of a new bus station at Springwood. This will improve public transport opportunities for the people of Springwood and will drastically reduce travelling time into the city. I look forward to working with Clark buses in regard to the bus services for the people of Springwood.

The construction of the Springwood interchange will provide employment directly and indirectly through the increase in travellers to the Springwood business area. This is another fine example of the Beattie Labor government getting on with the job and providing better public transport. This bill will provide the chief executive with the ability to authorise busway use. Section 180ZKA provides that a person must not drive on a busway unless the person is one of the stated categories, which include drivers of emergency services and employee drivers of the holders of the service contracts that require the holders to provide services on a busway.

The Beattie government's commitment to building a Smart State is certainly displayed in this busway and also in the South East Transit Project. The new transit lanes have been a valuable resource to travellers. I take this opportunity to remind the minister of the need for these lanes to continue to Loganholme. I thank the minister, who has taken this on board and who is making plans for the extension of these lanes to Loganholme as a priority.

Another project that is of the highest priority to the people of Daisy Hill is the improvement of the Winnetts Road and Village Drive intersection. Once again, I take the opportunity to thank the Minister for listening to the concerns of these residents and for pushing forward the planning of the changes to the intersection. People living in the vicinity of Winnetts Road and Village Drive have raised concerns about this intersection, especially the long traffic delays that occur at this intersection. It is extremely pleasing that the department is in the process of consulting with residents about traffic issues and the impact of the proposed changes.

Through major public consultation about local traffic issues and through careful engineering and planning, Main Roads will be able to identify the best solution for all involved before construction takes place. While the transit lane construction needs to occur, I believe it is appropriate that we have started implementing the traffic planning processes for the Winnetts Road and Village Drive areas. The busway has been a huge success for the south-east corridor, and I am positive the South East Transit Project will service the Logan area for many years to come. It is important that we maintain and protect this important infrastructure. I am pleased that this bill ensures that an offence applies in relation to activities which are done without authorisation and damage the busway.

Another issue that the minister has taken on board is the need for repairs and maintenance of California Creek Road. I am pleased that money has been set aside to do this work. California Creek Road is one of the busiest roads in the Springwood electorate, and many residents will benefit from this work. It is a shame the councillors in my electorate do not spend more time on ensuring the local government controlled roads are well maintained. Instead of maligning the state Labor government, they should stick to the local streets, the dogs, rates and rubbish. Springwood residents will benefit from the $2.7 million allocated to Logan City road maintenance programs, and I congratulate the minister not only on the bill but also on his great work in relation to public transport and improved traffic conditions for the people of Springwood.

**Mrs CROFT** (Broadwater—ALP) (9.18 p.m.): I rise in support of the Transport Legislation Amendment Bill 2001. I am pleased to see that the minister's decision to consolidate a number of acts administered by the Departments of Transport and Main Roads has been brought to the

House today. The Transport Legislation Amendment Bill 2001 allows for improvements to existing legislation and also provides legislation to support new or revised government policy. I believe it is important to mention that many of the improvements being pursued are derived from legal advice or are the result of court findings.

This bill deals with amendments to the Transport Operations (Marine Safety) Act 1994, which deals with maritime regulation that is the responsibility of Queensland Transport. This act provides for marine safety and related operational issues to be effectively planned and efficiently managed. In furtherance of this, the bill adds to the definition section of the act 'compulsory pilotage area'. This amendment is a part of the new scheme for the act which characterises two types of pilotage areas: near pilotage areas and compulsory pilotage areas. It is intended that certain ships must use the service of the state licence marine pilot in compulsory pilotage areas.

In all pilotage areas, harbour masters have jurisdiction to direct the master of the ship to navigate or otherwise operate a ship in a specified way. This new scheme aims to enhance marine safety and also to allow Commonwealth licensed marine pilots to lawfully bring ships into pilotage areas so that state licensed pilots can take over the conduct of certain ships as their pilot.

The act is updated by the removal of examples of when the Commonwealth Navigation Act overrides the operation of the Transport Operations (Marine Safety) Act 1994. The examples have been deleted because the Commonwealth Navigation Act is currently being reviewed and some of the examples have become redundant.

The efficiency of prosecutions brought under the act is enhanced by the extension of time in which summary proceedings under the Justices Act 1886 (Queensland) must be commenced from one year to two years from when the offence was committed, or within three years of when it comes to the complainant's knowledge. The previous limitation period has been found to be too short, particularly when an investigation is complex. This amendment brings the legislation into line with the limitation period in the Transport Operations (Marine Pollution) Act 1995 (Queensland).

The bill creates the capacity for a shipping inspector appointed under the act to seize and remove property reasonably believed to be abandoned property. The amendment is primarily aimed at abandoned vessels which create a hazard to marine safety, the marine and littoral environment and the safety of the public. Before seizing and removing the abandoned property, the shipping inspector must, if practicable, attach to the property a notice in the approved form of intention to seize and remove, and publish a seizure notice in a newspaper circulating in the locality. If, after a minimum of 28 days, no-one claims the property, it may be sold by public auction, or destroyed.

The proceeds of sale are to be applied against the expenses incurred, with any balance to be paid to the owner of the property, if located, or otherwise into the consolidated fund. The current legislation provides a capacity for a harbour master to remove property if no-one can be directed to do so. However, it does not authorise the ultimate sale or disposal of the property. This has meant that cost recovery of removing a hazard is not possible, and that abandoned property has to be stored indefinitely. This amendment will remedy this situation.

The bill inserts an appropriate power to allow shipping inspectors to direct operators of vessels without the appropriate licence to return to the nearest safe anchorage. Additionally, the use of laser speed measurement devices in court proceedings is addressed in this bill, as well as those who may operate such devices and how they should be calibrated and tested. The above amendments aim to enhance the safety of Queensland waters and to assist with the monitoring of compliance with the act.

I would like to take this opportunity to commend the minister for his commitment to listening to the concerns of residents in my electorate. I thank him for recently announcing and delivering $138 million that will be invested on roads in the Gold Coast city area over the next two financial years. Of this funding, $1.04 million in subsidies has been given to Gold Coast City Council for works on local roads.

In my electorate of Broadwater, residents and I have welcomed the Beattie government's commitment of $1.4 million to upgrade Hope Island Road between Monterey Keys Drive and Santa Barbara Road. This funding will be spent over the next two years, with $400,000 being allocated for pavement repairs and an initial layer of asphalt being applied to the section between Riverleigh Court and Santa Barbara Road. This news was well received by the residents of Broadwater and, in particular, those residents who live at Hope Island, Sanctuary Cove and Santa Barbara. Whilst I recognise and acknowledge that residents have been waiting many years for

this road to be upgraded, it must be clearly understood that an initial agreement established that developers of the area held responsibility for the maintenance of the road. I believe—and I am sure other members agree—that developers of large residential estates that impact on the road networks of existing roads should carry the obligation of contributing to the upkeep and preservation of affected roads. Nonetheless, it is this government which has delivered significant funding. I am delighted to know that construction has started, and the first stage of construction is scheduled for completion before Christmas this year.

This announcement of funding coincides with the reduction of the road speed limit from 80 kilometres per hour to 70 kilometres per hour as a result of a review by the Traffic Advisory Committee. I requested this review as I had concerns about the speed of 80 kilometres per hour on a road that was in great need of upgrading. I am delighted with this outcome and I wish to thank the minister and the Department of Main Roads at Nerang for their assistance.

I commend the bill to the House.

**Mr NEIL ROBERTS** (Nudgee—ALP) (9.26 p.m.): I want to make a few comments relating to issues of importance relating to transport matters in my electorate of Nudgee. A couple of weeks ago I joined with the member for Clayfield, the member for Stafford and members of the Citizens Reference Group and NOTION at Nundah to celebrate the first vehicles that went through the Nundah bypass tunnel. This was a $45 million project which was completed under the responsibility of the current minister. It was a great celebration for the local community. It is a decades old problem that needed resolving. I acknowledge the work that was done by the former minister, Vaughan Johnson, but I still recall standing in the park with Jim Elder prior to the coalition government coming to power when he announced that the cut and cover tunnel would be established.

**Mr Johnson:** Let's face it, it's a great job.

**Mr NEIL ROBERTS:** It is a great job, and we are looking forward to the other lanes opening over the next week or so. We are also looking for some formal celebrations with the minister and the departmental officers some time early in the New Year. I want to take the time to particularly thank the community for its support and input into the project over many years. I will not name the individuals now because there are too many concerned, but I refer to those people who participated through NOTION, which is Nundah's Organisation To Improve Our Neighbourhood, and the Citizens' Reference Group. These people made tremendous sacrifices in terms of time and effort over many years to see this project come to fruition. I thank them sincerely for their efforts.

The recently released Roads Implementation Program contained a number of initiatives affecting the Nudgee electorate. One of the more significant was the planning study for the new river crossing adjacent to the Gateway Bridge. This is something that obviously needs addressing. The traffic on that particular portion of the road has reached capacity a lot earlier than expected. The impact on my electorate is essentially in the northern part of the study area, basically from the Nudgee Road exit back to Schultz Canal. This joins on to the neighbouring electorate of Clayfield which will also have a significant input into this issue. Most traffic on the Gateway Arterial road passes through the Nudgee electorate, although there are two major entry points at Toombul Road and Nudgee Road which carry significant levels of traffic both entering and exiting the Gateway Arterial road. This is a significant issue and is of great importance to a large section of my electorate.

The Department of Main Roads, through the planning study group, has distributed newsletters throughout quite a significant area seeking input. I will be encouraging my constituents, both residents and businesses, to provide feedback to the department on concerns that they have from the matters arising in that particular study. I commend the department on the consultation it undertakes and the information it provides to local communities. During the construction of the Nundah bypass tunnel the departmental officers responsible for the project regularly informed local residents of developments in the project. I thank them for that. I received copies of all newsletters in my electorate and they were very well put together and were very informative. I think they alleviated the concerns of many residents about the development.

A couple of other initiatives out of the roads implementation plan for the Nudgee electorate include a program for the installation of lighting on the Gateway Arterial road extending from Nundah Creek through to Telegraph Road, and also some major asphalt resurfacing from Garozzo Street to just past Roghan Road on Sandgate Road. Two projects about which I am particularly excited under the Transport Infrastructure Development Scheme—TIDS—are for

funding in the year 2002-03 for a pick-up and set-down area for Virginia State School and for Saint Flannan's Catholic School in Zillmere. An amount of $40,000 for each school has been earmarked for those programs. Under the TIDS program, a joint subsidy is provided by the Brisbane City Council of an equal amount. I look forward to the implementation of those two programs in the next couple of years. One project currently under way which is being very well received in the Boondall community is a car park and drop-off zone about to be constructed at Boondall State School.

I want to say a few brief words about some railway network upgrades in my electorate. The Nudgee electorate has a good rail service with branch lines from both the north coast and the Sandgate-Shorncliffe line. There are also a number of upgrades planned to improve the amenity and accessibility of stations in my electorate. There has been a significant investment by Queensland Rail to install lifts at the Nundah Railway Station. There were major upgrades last year to the Sunshine Railway Station such as car parking, security and new station buildings and platform. The building of the third track at the Geebung Railway Station did cause a small issue due to the reduction in the number of car parks. That is an issue I have taken up with Queensland Rail on a number of occasions. Hopefully some time in the future we will be able to increase the number of car parks at Geebung.

The final matter I want to commend Queensland Rail on is the decision to install a pedestrian level crossing at Nudgee Railway Station. It recently did some upgrade works to the car park, including a drop-off zone. This is one of the oldest stations in Brisbane. It is not the most patronised but is an important one, because a number of people with disabilities use that station. I pat Queensland Rail on the back for this decision. Some months ago a number of people who visited a residence in Nudgee were wheelchair bound. They had to travel all the way to Shorncliffe and get back on the train towards the city to visit a particular service centre where they were receiving care and recreation. The installation of the pedestrian level crossing will be of great benefit to not only those people but also the many elderly people in the area who use the station. With those few words, I commend the bill to the House.

**Hon. S. D. BREDHAUER** (Cook—ALP) (Minister for Transport and Minister for Main Roads) (9.31 p.m.), in reply: I thank all members who have made a contribution to the debate tonight. As is always the case with transport legislation amendment bills, it has been a wide-ranging second reading debate. I appreciate the contributions made by all members on both sides of the House. The shadow minister raised a number of concerns specifically in relation to the bill, and he was about the only one who did. What I thought I might do is go through some of those issues in detail now in the hope that it might enable us to be a little bit briefer in the committee stage.

One of the first issues the member opposite raised was in relation to the fees for the location of public utility plans within state controlled roads, and I will just rattle through some of the information I have here. No fees are currently charged for the location of public utility plant in the state controlled road reserve apart from mobile phone plant. Main Roads has historically borne these costs. As the road reserve becomes more crowded, the location of public utility plant has become very costly. The prime objective of these amendments is to give Main Roads the flexibility to recover costs should this be necessary. So basically what we are looking at is cost recovery rather than profiting from the charges that we put in place.

Any conditions or fees will apply only for new installations, so we will not be charging for existing installations. Any fees to be charged would be aligned with a policy which we are yet to develop, but this will give us the capacity to do that. The policy will be prepared in consultation with utility providers and relevant government departments. A range of fees might be applied—for example, an application fee, a rental fee or an annual fee—but once again I stress that the main issue here is to assist us with cost recovery so that Main Roads is not bearing the cost of the location of public utilities within the road reserve.

Main Roads recognises that the road network provides convenient economic routes for public utility plant and supports utilisation of the routes to facilitate efficiency and achieve cost savings for the community. However, the amendments are important to enable Main Roads to better manage the road corridor and achieve efficiencies in the installation of public utility plant. I am sure that the member for Gregory would be aware that when undertaking projects like the Pacific Motorway an enormous amount of the cost is involved in relocation of public utilities. What we are trying to do with this legislation is better plan the location of public utilities so it takes into account future needs in the road network whilst at the same time not sacrificing money that is actually meant for building and maintaining roads to locate public utilities within the road reserve. So it is a cost recovery type situation.

The member for Gregory also raised the issue of tunnels and why this legislation applies only to inner-city Brisbane and south Brisbane. Basically, everywhere else in the network QR owns the corridor land from the land to the sky whereas in inner-city Brisbane the tunnels have been built under existing land titles. The reason we have to have these specific provisions in respect of the inner-city tunnels and the south Brisbane tunnel is simply the existence over those tunnels of other land tenures which, in most cases, were pre-existing, whereas in other cases the rail corridor includes not just the tunnels or the land but upwards to the sky. By vesting ownership in Queensland Transport, it is about giving us the capacity to facilitate third party access.

The next issue that the shadow minister raised related to the transport of dangerous goods by rail. He asked why we were looking at substantial compliance with the national scheme legislation rather than absolute compliance. The response to that essentially is that the amendments adopt the effect of the national approach in Queensland, although the wording may be slightly different. In relation to what the national scheme legislation seeks to achieve, we are seeking to achieve exactly the same thing. It is just that to do that in the Queensland context the legislation and the wording might be slightly different to accommodate modern drafting practices and to operate effectively within Queensland's existing legislative scheme. So the legislative context in which it operates in Queensland is different from the legislative context nationally or in other states. Substantial compliance legally means the same thing. It is just that it means that it is not word perfect in terms of mirroring the national legislation.

The member opposite also raised issues about goods that are too dangerous for transportation by rail. Generally, there is consistency between the road and rail provisions on this issue. A difference arises in that the rail provision is worded to indicate that an offence is committed only if the person knew or reasonably ought to have known that the goods were too dangerous to be transported by rail. The road provision does not include this element of knowledge. This difference reflects the national approach. The road wording mirrors the Commonwealth's Road Transport Reform (Dangerous Goods) Act 1995 while the rail provisions reflect the Rail (Dangerous Goods Rules) Schedule in the Australian Dangerous Goods Code. So essentially what we are trying to do is mirror the national legislation.

Draft waterways management plans covered by clause 35 of the bill was another issue about which the member opposite had some concerns which related to whether the chief executive had the capacity to raise fees above CPI. This was an issue that was picked up by the Scrutiny of Legislation Committee. We have acknowledged that the Scrutiny of Legislation Committee's point is valid and therefore we have proposed an amendment to be moved during the committee stage to deal with that issue. In terms of marine pollution, the member asked why any ship would be exempted from the need to have a holding tank fitted and asked for examples. In respect of new vessels, it is a provision that is unlikely to be frequently used. That means the holding tanks will be there. However, we have the scope for such a request to be received and applied under unusual circumstances. Examples of exempted vessels may include offshore racing power boats and experimental vessels. It is just a provision that is there for exceptions should it be required.

The member talked about marine pollution issues generally, and particularly about on-board containment of ship sewage. He mentioned that it had taken us some time to get these provisions right. The member would be aware that the early consultation in relation to on-board containment of ship sewage actually occurred when he was the Minister for Transport.

**Mr Johnson:** Even going back to David Hamill.

**Mr BREDHAUER:** Yes. I picked up the stuff that the member for Gregory had been doing when I became the minister in 1998. I did not substantially change those provisions because I believed, on advice from the department—but I also believed fundamentally—that we were heading in the right direction. We legislated for those provisions early in the term of this government. It was then able to be demonstrated to us by people in the shipping industry that the legislation had significant flaws and would be difficult to work. So we agreed, in consultation with the shipping industry, to go back and work through those issues. We have been doing that for a period of about 18 months now. Not long after I introduced this bill into parliament, the final recommendations were put to me. It was suggested to me that I could introduce 30 or 40 amendments to this bill at the committee stage, which would enable us to do it in time for 1 January. However, I decided that it was not appropriate to introduce those amendments at the committee stage of this bill. They are substantial amendments in their own right and they should not be introduced at the committee stage of this bill. A Transport Legislation Amendment Bill is due in the first half of next year, so I took the decision to hold them over until that bill and to move at the committee stage of this bill only to give us an extension of time until 30 June next year to

give us time to put that bill through. I could have done it tonight, and we would have been here all night debating in Committee those amendments which members would not have had the opportunity of considering prior to today. I know it will take another six months, but I decided it was better, on balance, to ask for the extension for a further six months in the legislation tonight rather than bring in all of those amendments tonight.

The compulsory pilotage areas and the pilotage issues that were raised are actually not relevant to the Cairns situation. The Cairns situation is a difficult one. Dare I say it is a situation that was put in place by the previous minister. When the time came to change over those contracts, it turned out to be problematic. We are working through those issues in conjunction with the Cairns Port Authority, the other port authorities and the industry, and I expect to be making an announcement about that in the not-too-distant future.

The member is concerned that we are going soft on drink-drivers. That is certainly not the case. In fact, the review of penalties substantially increases the penalties for drink-driving offences. The penalties for drink-driving are in no way being watered down. As currently exists for Queensland drivers, interstate drivers will now have their licences automatically suspended for 24 hours if charged with a drink-driving offence. The penalty for driving under the influence of liquor for a second offence within a five-year period is to be increased from 34 penalty units to 60 penalty units. We did have a provision, though—and this is the matter I mentioned briefly during the member for Gregory's contribution—where motorists were given a 24-hour suspension when they were picked up for drink-driving to ensure that they did not immediately reoffend. The Chief Stipendiary Magistrate raised the issue with us and said that because that was technically a suspension, when that person—

**Mr Johnson** interjected.

**Mr BREDHAUER:** No, but under the act it was a suspension. So when that person then came to have their case heard in court, they had a previous suspension on their drivers licence. It effectively meant that the discretion of the court to give an appropriate penalty in respect of the offence was constrained, if I can put it in those terms. That was not the intention. I do not want to say that it was smart alec lawyers, but I believe it was a technical issue that was raised in the courts which we were asked to look at. We believe that the arrangement that we have come to, which is a cancellation of the licence rather than a suspension of the licence, actually gives back to the magistrate the capacity to recognise if it is a relatively minor offence and to go through the issuing of work licences so that people's livelihoods are not necessarily affected. What they were basically saying is that there was the immediate suspension and then, if they were suspended again subsequently—

**Mr Johnson:** Even on a minor drink-drive charge?

**Mr BREDHAUER:** Even on a minor drink-drive charge they were subsequently precluded from holding a work licence because of this earlier suspension, even though it was a suspension for only 24 hours. So that is why we have made that adjustment.

Finally, the member raised the possible alteration of digital images. A digital image, to be used as evidence, must be certified by the Commissioner of Police with regard to the date and time the image was taken, the accuracy of the image, things depicted in the image and the operation and testing of the imaging equipment as prescribed by regulation. So if the digital image is to be tendered as evidence, there has to be certification from the Commissioner of Police as to the veracity of the evidence that is being put forward.

**Mr Johnson:** It's fairly accurate.

**Mr BREDHAUER:** Yes. I recognise the point that the member made, but we believe we have the provisions in the act to safeguard—

**Mr Johnson:** Isn't that giving an out, though?

**Mr BREDHAUER:** No, I do not think so. I do not think it is giving an out. I think what it is doing is giving a level of security to people that the images cannot be tampered with, that the images cannot be altered, as the member suggested that they might be.

The member mentioned SPER. SPER is not actually being lenient on offenders. SPER is essentially to recognise that some people have relatively minor offences and that we should not be locking up people in correctional institutions because they cannot afford to pay a fine. I think it is important that we recognise the success that has been generated so far by SPER. There is the potential for it to increase the incidence of unlicensed driving if people have their licences suspended, but the Department of Transport, the Queensland Police Service and the Department

of Justice and Attorney-General are well aware of that and are endeavouring to resolve those issues.

I will not go through all the other issues that other members raised. I appreciate the contributions that they made. I want to make one comment, though, in respect of the Tugun bypass, because it is an issue that has generated some attention today and it was raised in the debate tonight. The concern for me is that I received a letter from John Anderson in June which indicated that the Commonwealth government's contribution to the Tugun bypass could only be taken by the Queensland government from its already committed funds to the Pacific Highway upgrade. The member for Gregory might remember that a number of years ago the Commonwealth government said it was going to commit funds to upgrade the Pacific Highway between Sydney and Brisbane. Separately, it made to him—

**Mr Johnson:** $150 million in Queensland—$15 million a year over 10 years.

**Mr BREDHAUER:** That is right. Separately, the Commonwealth government made to the member a commitment that it would fund 50 per cent of the Tugun bypass project, and I had assumed that that commitment remained solid, but I got the letter from John Anderson in June which said that the Commonwealth's contribution basically would have to be taken out of the $150 million contribution to the Pacific Highway project, much of which has already been spent on the M1, as the member would know, or other projects. We agreed on that basis. We said we would be prepared to look at other options such as PPPs.

**Mr Johnson:** Did he actually say that in a letter?

**Mr BREDHAUER:** In a letter. We had said we wanted to canvass issues such as PPPs, because John Anderson had said to me personally that he wanted to look at funding options in respect of these issues.

I am committed to the Tugun bypass. The Minister for Tourism and Racing and member for Currumbin knows that we have made the commitment in this year's Roads Implementation Program, which is our initial commitment, I have to say. We will find additional funds for construction, but the Commonwealth saying that the only option as far as Commonwealth funds for the Tugun bypass are concerned is to take it out of its existing commitment to the Pacific Motorway is not good enough.

**Mr Johnson:** What about the $600 million on the New South Wales side? The bulk of that road is on the New South Wales side. Have you asked him the question?

**Mr BREDHAUER:** I have taken that issue up with the federal minister. I would hope that the member opposite will take it up with him as well. I can show the member a copy of the letter the minister sent to me. I think it is dated 29 June, from memory.

I thank all honourable members for their contributions. This is an important bill. I know that everyone in parliament has Transport and Main Roads issues in their electorates. I know the significance of them. I appreciate that they have taken this opportunity to raise them on behalf of their constituents. I commend the bill to the House.

Motion agreed to.

## Committee

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) in charge of the bill.

Clause 1, as read, agreed to.

Clause 2—

**Mr BREDHAUER** (9.52 p.m.): The amendments and the explanatory notes for the amendments have been circulated. I will move the amendments and if the shadow minister or others have debate they want to enter into, I am happy to do that. I move amendment No. 1—

1. Clause 2—

At page 10, line 6—

omit, insert—

'(1) Section 44A commences on assent.

'(2) Sections 96, 109 and 109A commence on 3 December 2001.

'(3) The remaining provisions of this Act commence on a day to be fixed by proclamation.'.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 17, as read, agreed to.

Clause 18—

**Mr JOHNSON** (9.53 p.m.): This clause amends the Transport (Busway and Light Rail) Amendment Act 2000. In his speech the member for Mansfield made reference to the busway and the benefits the busway has for south-east Queensland. I agree that it is a fantastic concept. When I was Minister for Transport I was accused of a massive blow-out in relation to the Pacific Motorway. When we talk about the great efforts and the great work of the SET project, there is no mention of any blow-outs.

We certainly have a mess on our hands with the Inner Northern Busway in terms of the negotiations with the Brisbane City Council over the tunnel that was to have connected the Queen Street bus tunnel with the Roma Street bus tunnel. The result is that the tunnel will not be constructed and buses will now travel by Adelaide Street and George Street. With all the traffic lights along the two bus lanes, that will make the traffic flow along George Street worse than it already is—and it is already a parking lot in peak hours.

We also have the issue of the missing bus stations. The stations at Normanby, the children's hospital and the Royal Brisbane Hospital have disappeared. Of course, as is usual with this government, the cost has not reduced. The cost of the project is the same. We have the dots on the map where the bus stations will be but no bus stations.

I have no doubt that the Inner Northern Busway is a good idea, but the management of this project, like so many others, is out of control. I have said to the minister before that in relation to some of these capital works programs and major capital infrastructure—I am offering a bipartisan approach to this because I know exactly the heartache and what have you that the minister is subjected to—it is time to establish a major projects team to do some accurate costing and efficient management of these projects. I believe that would be very advantageous in terms of the management of budgets and accountability to the taxpayers of Queensland. I really believe this is one way we can take a lot of the heartache out of some of these projects.

**Mr BREDHAUER:** I thank the honourable member for the issues that he has raised. There are a whole host of reasons the costs of projects can increase. They can increase, for example, because poor planning and inadequate time frames up front can contribute to condensed planning and design work which in the final analysis does not work and needs to be modified substantially, as is the case in respect of the Pacific Motorway. Costs can increase because of significant increases to scope, as is the case in respect of the South East Busway. When the member for Gregory was the Minister for Transport and Main Roads the route alignment through South Bank was changed, from running on-street through Grey Street to a much more complicated arrangement which cost an additional $120 million. Costs can also increase because the cost of projects increases. The point the member makes about a major projects group is well made. That is why I did it three months ago. We have one in the Department of Main Roads and in Queensland Transport, which has been operating since a discussion I had with the Cabinet Budget Review Committee three months ago.

Clause 18, as read, agreed to.

Clauses 19 to 25, as read, agreed to.

Insertion of new clause—

**Mr BREDHAUER** (9.57 p.m.): I move amendment No. 2—

2. After clause 25—

At page 30, after line 7—

insert—

' 25A Insertion of new s 24A

'Chapter 5, part 2, division 1—

insert—

' 24A State-controlled roads on rail corridor land

'(1) This section applies if, under section 23, the Minister intends to declare a road or route, or part of a road or route, that crosses rail corridor land and continues on the other side of the rail corridor land to be a State-controlled road.

'(2) Before making the declaration, the Minister must—

(a) consult with the railway manager, if any, for the rail corridor land; and

(b) give the railway manager a reasonable opportunity to make submissions to the Minister on the declaration.

'(3) If the Minister decides to declare the road or route, or part of the road or route, to be a State-controlled road, the Minister must, when making the declaration, declare in the gazette notice the part of the rail corridor land where it is crossed by the road or route to be a common area ("common area") for the rail corridor land and the State-controlled road.

'(4) When the common area is declared—

(a) the chief executive may construct, maintain and operate the State-controlled road on the common area in a way not inconsistent with its use as rail corridor land; and

(b) a railway manager for the rail corridor land may construct, maintain and operate a railway on the common area in a way not inconsistent with its use as State-controlled road; and

(c) the railway manager and its agents or employees do not have any liability for the State-controlled road or its use or operation on the common area.

Examples for paragraph (a)—

- a level crossing
- a bridge or other structure over a railway
- a bridge or other structure that allows the road to pass under the railway.

'(5) Unless the chief executive and a railway manager for the rail corridor land otherwise agree—

(a) subject to section 140,[1] the chief executive is responsible for maintaining the State-controlled road on the common area; and

(b) if the State-controlled road on the common area stops being used, the chief executive is responsible for the cost of removing road transport infrastructure from the common area and restoring the railway.

'(6) The State is taken not to be in breach of any of its obligations in a sublease of the rail corridor land between the State and the railway manager by—

(a) the Minister's declarations; or

(b) anything done by the chief executive under chapter 5 for the common area.

'(7) After the common area is declared—

(a) the chief executive must promptly give a copy of the gazette notice of the declarations to the registrar of titles; and

(b) the registrar of titles must record the declarations on the relevant lease of the rail corridor land to the State and any affected sublease in the leasehold land register.'.'.

1 Section 140 (Maintaining roads crossing railways)

Amendment agreed to.

Clauses 26 to 29, as read, agreed to.

Clause 30—

**Mr BREDHAUER** (9.57 p.m.): I move amendment No. 3—

3. Clause 30

At page 32, lines 22 to 24—

omit, insert—

' 30 Replacement of s 138 (Carrying dangerous goods)

'Section 138—

omit, insert—

' 138 Railways on State-controlled roads

'(1) This section applies if—

(a) a railway manager—

(i) holds a sublease of rail corridor land; or

(ii) has access to future railway land; and

(b) the route of the rail corridor land or future railway land—

(i) is interrupted by a State-controlled road; and

(ii) continues on the other side of the State-controlled road.

'(2) The Minister may, by gazette notice, declare the part of the State-controlled road where it interrupts the route to be a common area ("common area") for the State-controlled road and the route of the rail corridor land or future railway land.

'(3) If the Minister declares a common area—

(a) the railway manager for the rail corridor land or future railway land may construct, maintain and operate a railway on the common area in a way not inconsistent with its use as a State-controlled road; and

(b) the chief executive for chapter 5 may construct, maintain and operate the State-controlled road on the common area in a way not inconsistent with its use as a railway; and

(c) the chief executive for chapter 5 and the chief executive's agents or employees do not have any liability for the railway or its use or operation on the common area.

Examples for paragraph (a)—

- a level crossing
- a bridge or other structure over the road
- a bridge or other structure that allows the railway to pass under the road.

'(4) After a common area is declared—

(a) the chief executive must give a copy of the gazette notice to the registrar of titles—

(i) promptly after the gazette notice is published, if the land is rail corridor land; or

(ii) promptly after the land is leased to the railway manager under section 131(4), if the land is future railway land; and

(b) the registrar of titles must record the declaration on the relevant lease of the rail corridor land to the State and the sublease in the leasehold land register.

'(5) If a railway on a common area stops being used, the railway manager for the railway is responsible for the cost of removing rail transport infrastructure from the common area and restoring the road, unless the chief executive and the railway manager otherwise agree.'.'.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clauses 31 to 34, as read, agreed to.

Clause 35—

**Mr BREDHAUER** (9.58 p.m.): I move amendment No. 4—

4. Clause 35—

At page 47, lines 2 and 3—

omit, insert—

' '(5) This section does not apply if the draft deals only with—

(a) a minor error; or

(b) an amendment of a fee or levy consistent with announced government policy.'.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clauses 36 to 44, as read, agreed to.

Insertion of new clause—

**Mr BREDHAUER** (9.58 p.m.): I move amendment No. 5—

5. After clause 44—

At page 59, after line 17—

insert—

' 44A Amendment of s 2 (Commencement)

'Section 2(3), '1 January'—

omit, insert—

'1 July'.'.

Amendment agreed to.

Clauses 45 to 81, as read, agreed to.

Clause 82—

**Mr BREDHAUER** (9.58 p.m.): I move amendments Nos 6 and 7—

6. Clause 82—

At page 73, lines 17 and 18, 'the same'—

omit, insert—

'seizing the'.

7. Clause 82—

At page 73, after line 19—

insert—

'Examples of a further requirement—

A requirement that the thing—

- be transported during stated off-peak hours
- be transported along a particular route
- be transported in a particular way
- have appropriate placards or markings attached to it while it is being transported.'.

Amendments agreed to.

Clause 82, as amended, agreed to.

Clauses 83 to 95, as read, agreed to.

Clause 96—

**Mr JOHNSON** (9.59 p.m.): We have canvassed this issue pretty well tonight. The minister made reference to it during my speech during the second reading debate. He also made reference to it during his reply to the debate. I thank him for that reply, because I think he has canvassed the aspects of this legislation precisely.

The explanatory notes on clause 96 state—

Section 78(3) clarifies that a person found guilty under s. 78(1) must be further disqualified from holding or obtaining a driver licence by the court.

The minister spoke on that and I have got that clear. The explanatory notes continue—

If the offence happened when they were already disqualified by a court, then the court must impose an absolute disqualification. If the offence happened when they were otherwise disqualified, the court must impose a 6 months disqualification.

If a person drives while disqualified, there appear to be two levels of penalties proposed. If the disqualification is for drink-driving, dangerous driving or some other offence handled by a court, the penalty under proposed section 78(1) is 60 penalty units or 18 months imprisonment. Under section 78(3), the driver is to be disqualified from holding or obtaining a drivers licence absolutely. In reality, that can be as little as five years. This clause establishes a watered-down penalty for persons who drive whilst disqualified but whose disqualification results from the accrual of demerit points or from the non-payment of fines. If the person drives whilst disqualified, the penalty is reduced to 40 penalty units or one year's imprisonment and they are disqualified from holding or obtaining a drivers licence for six months.

I am concerned that we now have a differentiation for the offence of disqualified driving that is not based on the circumstances of the offence but on whether the disqualification is determined by the law of this parliament or by an order handed down by a court enforcing the law of this parliament. As I see it, this is a bad law—and I would like the minister's interpretation of it—because it is trying to overcome a legal problem by creating an artificial differentiation for the same offence. As far as I am concerned, driving while disqualified is driving while disqualified. The problem arises from the actual cancellation of a licence for a period of time. Under existing legislation, a licence cancellation is to be considered as disqualification. The problem arises in relation to licences which are cancelled by the accrual of points for failure to pay fines.

If the minister wishes to differentiate, I believe we should be creating an offence for driving whilst a licence is cancelled and another for driving in contravention of a court order. To do otherwise is to send a very mixed signal; it is all but condoning the offence of driving whilst disqualified. Driving whilst disqualified has to remain the ultimate act of defiance as far as the enforcement of driving penalties is concerned. Put simply, driving is a privilege enjoyed by our community and those who refuse to abide by the community rules should have the privilege withdrawn. I urge the minister to consider establishing separate offences if it is believed that the two actions are separate. I would like further clarification on this.

**Mr BREDHAUER:** I referred to this issue previously. In a sense, there are different levels of disqualification or suspension of licences. If someone accumulates more than 12 points over three years, their licence can be suspended.

**Mr Johnson:** You're not allowed to drive, are you?

**Mr BREDHAUER:** No, but each of those offences is relatively minor. I am sure the member for Gregory would not exceed the speed limit at any time, but a person could exceed the speed limit and suffer a suspension for an accumulation of points, which can occur through relatively minor offences.

**Mr Schwarten:** I don't know how that could happen.

**Mr BREDHAUER:** I am sure the member for Rockhampton has never exceeded the speed limit either.

**Mr Schwarten:** Or got an accumulation of points

**Mr BREDHAUER:** Or got an accumulation of points. However, a person who has a court-ordered disqualification is normally a person who has committed a much more serious offence. Essentially, the distinction is that a court-ordered disqualification is regarded as a more serious offence, so the penalty under the act is deemed to be more significant if a person is disqualified from driving under those circumstances. I think I am on the right track here.

**An honourable member** interjected.

**Mr BREDHAUER:** I do not want to be giving the wrong information, given the context of the debate. As I understand it, a person could have a series of four or five relatively minor offences—although in a road safety sense, there is no such thing as a minor traffic infringement; I appreciate the point the member was trying to make—and could accumulate 12 demerit points over a three-year period, as many people do, and then suffer a suspension.

**A government member** interjected.

**Mr BREDHAUER:** As much as a lot of us are, and they can suffer a suspension. A person who might have exceeded the speed limit by six kilometres an hour on four or five occasions and suffered a disqualification is a different kettle of fish from a person who drives dangerously or recklessly and goes to court and has their licence instantly disqualified. It is similar to the work licence issue. A person who is found to be driving under the influence of alcohol with a relatively minor offence can apply for a work licence. It is not going soft on offenders or anything like that; it is trying to recognise that there are degrees of driving offences.

The member for Gregory spoke about road safety, and I appreciate the comments he has made. It is important that the members of this House work together. During my time as Minister for Transport and Minister for Main Roads we have always had a bipartisan approach to road safety issues, which I appreciate. This legislation is not saying that some people should be let off easily, but it is recognising that there are degrees of driving offences, as there are in other areas of the law.

**Mr JOHNSON:** I thank the minister for that. The minister said that next year there will be another transport legislation amendment bill in relation to some amendments to this legislation. I would suggest that in future legislation the minister's departmental officers look at a clause that differentiates between the seriousness of the issues we are talking about here. In one case we are talking about people who lose their licence through an accumulation of demerit points; in the other case we are talking about a person who loses his or her licence through a court ruling. Whilst it is a court ruling, most times it is a fairly serious offence.

The minister spoke about work licenses. I know that people who have lost their licence for a low blood alcohol reading can get a work licence. It would be good if we could put a clause into the next line of legislation that says precisely that. A lot of times people who lose their demerit points can appeal to the court and get a licence back. I concur with what the minister is saying and if that could be looked at further down the line, I think it would be very advantageous to the general public.

**Mr BREDHAUER:** I am prepared to give a commitment to the member for Gregory, firstly, that we will look at the proposition that he has put forward in the context of the next transport legislation amendment bill. I actually think there will be two next year, but we will try and do it in the context of the first one, which is due in the first half of the year. Specifically, we will talk to the member for Gregory about the ideas he has to see if they can be incorporated in subsequent legislation.

Clause 96, as read, agreed to.

Clauses 97 to 109, as read, agreed to.

Insertion of new clause—

**Mr BREDHAUER** (10.09 p.m.): I move the following amendment—

8. After clause 109—

At page 96, after line 4—

insert—

' 109A Amendment of s 132 (Appeals against licence cancellation under regulations)

'(1) Section 132, heading 'cancellation'—

omit, insert—

'suspension'.

'(2) Section 132, 'cancellation'—

omit, insert—

'suspension'.

'(3) Section 132—

insert—

'(2) Despite subsection (1), the regulation may provide that the court may dismiss an appeal if, considering the appellant's traffic history, the court considers it would be inappropriate to allow the appeal.'.'.

Amendment agreed to.

Clauses 110 to 115, as read, agreed to.

Bill reported, with amendments.

### Third Reading

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

## ELECTRICITY LEGISLATION AMENDMENT AND REPEAL BILL

### Second Reading

Resumed from 8 November (see p. 3590).

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (10.11 p.m.): This is a very important bill, as we will see when I speak about some of the facts regarding the electricity industry and how important it is to people. Basically, this bill puts in place a dispute resolution system. Before I get into that, I want to go through some of the background of the electricity industry, which has been kindly provided to me by the Parliamentary Library.

In 1997-98, the Queensland electricity generating sector experienced a 12 per cent increase in demand. It was actually the largest increase in demand in Australia, and that was mainly owing to the need for increased electricity generation by the aluminium smelting industry. Between 1973 and 1999, Queensland recorded the highest increase in electricity demand of any Australian state with an annual growth rate of 6.8 per cent, with demand from the manufacturing and commercial sectors leading the way. Over the period 1999-2000, the cost of electricity in Queensland fell.

I turn now to the issue of competitiveness that was brought into the industry. Wholesale electricity prices decreased in Queensland whilst in New South Wales, Victoria and South Australia they increased. In Queensland there was a 20 per cent wholesale price reduction, falling from about $63 per megawatt hour to $50 per megawatt hour. This flowed on to the retail consumer, who enjoyed a five per cent reduction in price.

Nationally, of the total generated output the industry sector consumes 47 per cent, the residential sector consumes 28 per cent, the commercial sector consumes 22 per cent, and the agricultural and transporting sectors consume three per cent. So together, the residential and commercial sectors—and in the commercial sector most of the consumers are small businesses—account for about 50 per cent of the generated output.

It is important that a procedure be in place to allow consumer complaints to be addressed. To the consumer, government accountability is about the seeking of information and redress. This is occurring in a world where the distinction, particularly in the electricity industry, between public enterprise and private enterprise—or corporatised service provision—has narrowed, and there is an increasing perception that citizens are also consumers and clients. The delivery of services to the public within this environment has to be looked at in the operational context where the service provider is seen to be accountable to the consumer. This may be impeded by an absence of incentives to satisfy consumer expectations.

I think that gives some background to what we will ultimately be talking about in relation to this bill. I want to outline the structure of the Queensland electricity industry, which consists of different entities that are responsible for generation, transmission, distribution and retail supply. During the 1990s we saw an enormous amount of change occur in the electricity industry. First of all, in 1995 major changes to the structure occurred when the Queensland Electricity Commission was divided into two government owned corporations known as the Queensland Generation Corporation, which was the entity responsible for electricity generation, and the Queensland Government Transmission and Supply Corporation, which was the entity responsible for

transmission, distribution, and retail supply. This restructuring, which occurred in 1995, also left the Queensland Electricity Transmission Corporation responsible for seven other entities that supplied low-voltage distribution and retailing across the state.

In 1997, during the term of the National-Liberal coalition government, there was further restructuring, which resulted in the Queensland Generation Corporation being devolved into three separate generating entities owned by the state government. They were CS Energy, Stanwell Corporation and Tarong Energy Corporation. At that time, these three entities accounted for the generation of around 75 per cent of the total state electricity output.

In July 1997, the Queensland Electricity Transmission Corporation was corporatised along with the seven distribution entities, making all of them independent government businesses. This change coincided with the separation of the hitherto twin functions of distribution and retail. The retail function is now subject to franchises that are owned by Omega Energy as the northern retailer, Ergon Energy as the central retailer, and Energex as the southern retailer. In February 1998, that situation altered further when Ergon and Omega were merged into the one entity known as Ergon Energy.

In looking at the background of the electricity industry, the important thing to realise is that electricity is an essential commodity. Consumers are not able to refuse the service. It is a must-have service, especially considering the way in which modern houses, modern businesses and big industrial facilities operate. Consequently, this leaves consumers with very, very limited bargaining power. Basically, people have to take the service that is supplied to their houses. So any dispute resolution process should be based on a number of principles. These are independence, accessibility, effectiveness, cost effectiveness, and jurisdictional clarity.

That is some of the background to this bill. I think that last issue is very important. Consumers do not have any alternative. They cannot walk down the street and say, 'I want this one rather than that one,' because currently that is just not feasible. Therefore, the main objectives of this bill are, firstly, to omit the Electricity Industry Ombudsman legislation provided for in the Electricity Amendment Act (No. 3) 1997, which has not commenced; secondly, to provide for the establishment of the Energy Consumer Protection Office model for dispute resolution within Queensland Treasury to provide complaint investigation, mediation and arbitration processes for electricity consumers; and, thirdly, to provide for increased flexibility in the way the levy that is imposed on electricity entities to fund the dispute resolution processes undertaken by the Energy Consumer Protection Office is determined and administered.

The Electricity Amendment Act (No. 3) 1997 established an independent Electricity Industry Ombudsman to investigate customers' complaints and resolve disputes in an expeditious and cost-effective manner for customers. The Ombudsman was independent from the government and had the necessary operational discretion to maintain his or her independence. The Electricity Industry Ombudsman was required to prepare a written report about the operations of the office during the year and the minister would table a report in parliament.

However, the role of the Electricity Industry Ombudsman has not commenced. Contrary to the provisions of the act, the Deputy Premier, Treasurer and Minister for Sport supported the trial of the Energy Consumer Protection Office model for dispute resolution. The Energy Consumer Protection Office is a functional group of the Office of Energy, which is a portfolio office of Queensland Treasury. The Office of Energy is responsible for the delivery of the government's energy agenda and, as a consequence, dispute resolution being provided by an independent entity is compromised. Capability for the trial by the Energy Consumer Protection Office was provided in the Energy and Gas Legislation Amendment Bill which the former Minister for Mines and Energy introduced to the parliament on 23 November 1999.

In his second reading speech, Minister McGrady stated that the amendment bill also affects an amendment to the Electricity Amendment Act (No. 3) 1997 in order to postpone the automatic commencement of the Electricity Industry Ombudsman provisions for a further 12 months. To be established instead was a consumer protection office. The deferral of commencement of provisions in the Electricity Amendment Act (No. 3) 1997 relative to the appointment of an Electricity Industry Ombudsman was to allow an evaluation of an alternative dispute resolution and arbitration process.

It was another case of the government reinventing the wheel while creating another facade—an illusory consumer protection office which is an online office of the Office of Energy which is an online office of Treasury. Where is the independence in such a model? The purpose of the Electricity and Gas Legislation Amendment Bill was to prevent the appointment of an

Electricity Industry Ombudsman, which was required under the Electricity Act. As stated, the Office of the Electricity Industry Ombudsman was created in the Electricity Amendment Bill (No. 3) of 1997. When introducing the bill into the parliament on 30 October 1997 the then minister said—

The bill establishes an Electricity Industry Ombudsman to investigate customer complaints and resolve disputes in respect of customer connection or customer sale contracts in an expeditious and cost-effective manner for customers. The Ombudsman's independence from the government is explicitly provided for in the bill. The Ombudsman will have discretion to choose the location of his office which will be important for the public perception of this independence. The bill provides the Ombudsman with the appropriate powers to effectively conduct these functions and to compensate customers for losses of up to $10,000 in the event of a breach of either of the standard customer contracts. For contestable customers, negotiated customer contracts may also refer disputes to the Ombudsman for resolution. In addition, the bill provides that that power to deal with other types of disputes may be given to the Ombudsman by regulation.

Electricity is a major source of energy for households, essential services and industry alike. For industry, it constitutes five to nine per cent of the operating costs, escalating to around about 90 per cent in the aluminium industry. Similarly, it is a significant component of most household expenditure, and whether it is electricity usage costs or connection charges, electricity is an important component of rural land-holders' annual expenditure and, indeed, of all people who need electricity.

For this reason, it is absolutely imperative that there be in place an office with the necessary competence and independence that can perform the check and balance role of watchdog. It is the reason why New South Wales, Victoria, Tasmania and South Australia established the position of Electricity Industry Ombudsman. In fact, the Office of the Energy and Water Ombudsman of New South Wales has proved to be widely acknowledged by the broader community. In its first three years of operation to June 2001, this Ombudsman's office in New South Wales received, on average, 290 complaints per month.

The ombudsman model is a successful model. It is readily embraced by the community and it is successfully adopted by the telecommunications industry as well as the banking industry. The minister's suggestion that his model meets best practice standards was not supported by QCOSS. I understand that organisation still has concerns. When the concept was first mooted, QCOSS wrote to the opposition on 3 November 1999 stating—

The consumer protection office proposed by the amendment falls short of best practice benchmarks for dispute resolution schemes. Under the proposed model, mediation and industry regulation functions would be carried out by the same organisation, an inappropriate and conflicting combination of roles.

There was also a conflict in the Minister's role as the protector of consumers and his other role as the shareholding Minister in the electricity companies. There is no independent board to monitor the performance of the consumer protection office. The model is out of step with developments in other States and the lack of independence of office would, according to a study by the Commonwealth Treasury, undermine consumer confidence in the scheme. The proposed cost effectiveness of the scheme also is questionable.

The Queensland Consumers Association has also raised similar concerns. The association stated—

In essence, the model proposes that a Government department mediates disputes between Government-owned corporations and consumers. Mediation is an important step. In any dispute resolution processes, the role of the mediator is ensuring a fair outcome for both parties. It is fundamental to any fair mediation process that the mediator must be independent. The dispute resolution process proposed by the department bears hallmarks of a lack of independence. It proposes that the Minister's department mediate disputes between consumers and electricity companies of which he is a shareholding Minister. At a time when the Queensland public demands transparent decision-making processes from government, we are concerned about a model which is fatally flawed.

Those were the comments of the Queensland Consumers Association. There are no benefits at all for consumers in the proposed legislation, and it is deceptive to say the least. The National Party's 2001 Minerals and Energy policy states—

The National Party in government will establish an electricity ombudsman in accordance with the Electricity Act 1997 to ensure that there are independent and accessible avenues of protection for electricity consumers in a deregulated market.

If a government were serious about consumer issues, and if a government were just as serious about the independence of mediation and arbitration authorities, that government would go down the pathway of the tried and true industry ombudsman model. I think once again we are seeing an example of an attempt by this government to centralise control, to own and operate the system and not to have a truly independent system that is fair to the consumer, fair to the industry and which provides a true separation of the role of dispute mediation and that of an ombudsman—true separation from the minister and his department and the shareholding role that the minister has in the corporatised entities of the electricity industry. Consequently, the

National Party cannot support this bill, and in government we would overturn the concept and establish an Electricity Ombudsman to truly serve the interests of consumers.

**Ms STONE** (Springwood—ALP) (10.28 p.m.): It is with pleasure that I rise in support of this bill. The main reason for the bill is to provide for the establishment of the Energy Consumer Protection Office model for dispute resolution within Queensland Treasury to provide complaint investigation, mediation and arbitration processes to Queensland electricity consumers. The establishment of the enhanced Energy Consumer Protection Office model for dispute resolution is an important step to ensure the protection of electricity consumers' rights in Queensland.

Under the existing provisions of the Electricity Act 1994, the regulator, that is, the Under Treasurer, is empowered to assist in the settlement of disputes between electricity entities and customers or others affected by the electricity entities' operations. This bill provides for the regulator's extended functions in relation to consumer protection to be carried out by the Energy Consumer Protection Office, and the regulator's extended functions to settle disputes will be accomplished through a four-stage process of dispute resolution.

The four-stage process consists of: inquiry and referral being managed by the staff of the Energy Consumer Protection Office; investigation being managed by the staff of the Energy Consumer Protection Office; formal mediation being conducted by independent energy mediators; and arbitration being conducted by independent energy arbitrators. Initially, the inquiry and referral phase of the complaint involves referring the customer who has a complaint or dispute to the electricity entity concerned to attempt to resolve the dispute. The major retailers and distributors of electricity within Queensland are continuing to enhance their own internal complaint resolution procedures, and it is expected that in many cases these procedures will adequately address many of the concerns that consumers have.

Complaints and disputes that have not been effectively resolved by the internal complaint resolution processes of the electricity entity can be referred to the Energy Consumer Protection Office for investigation. Staff from the Energy Consumer Protection Office will investigate the matter in dispute by clarifying the issues, interviewing the parties and seeking to reach a decision whereby the dispute is resolved to the satisfaction of the consumer. It is envisaged that the vast majority of disputes and complaints between consumers and the electricity entities will be resolved through the investigation stage.

The legislation currently before the House builds on the sound existing process of dispute resolution in Queensland. It provides for the enhancement of the dispute resolution process through the appointment of appropriately qualified independent energy mediators who will mediate in disputes by getting the parties together to discuss the issues and help the parties to reach a mutually acceptable agreement.

If the dispute or complaint has not been able to be resolved through investigation or formal mediation, the dispute or complaint will automatically proceed to an independent energy arbitrator for a determination. This bill also enhances the arbitration phase of the dispute resolution process by increasing the amount that an electricity entity must pay to another party to the dispute from a maximum of $10,000 to $20,000, which is consistent with the limits in other states. It must be stressed that the final authority for making decisions under arbitration lies totally with the independent energy arbitrators who have the power and authority to ensure that matters are resolved in a fair, reasonable and equitable manner.

In my role both as an electorate officer and now as a state member I have had a number of people seeking assistance with concerns regarding electricity charges, consumption and street lights in need of maintenance. Consumers expect an efficient and affordable energy service and when concerns arise they expect answers. They want a procedure that gives them an explanation and seeks remedies.

It is also another means by which the service provider is made accountable to the consumer. I am sure many providers would prefer to provide a service that has a quality customer service focus and can resolve issues with consumers at a local level. However, there will always be concerns by consumers that are complex and need an authoritative procedure that allows the problem to be addressed. Consumers are usually at a disadvantage in a complaint process as many do not fully understand the operations of the electricity industry and how it affects their bills and their electricity consumption. It is usually concerns about charges and consumption that make up the bulk of all complaints within this industry.

Having a dispute resolution process based on independence, accessibility and effectiveness will benefit both consumers and providers. A consumer complaint process can be very informative

to both parties. It can provide valuable information to the service provider about its service delivery and client relations. It can also provide explanations to consumers regarding the service they are using.

I am particularly pleased with the Queensland Competition Authority performance measures for customer service. These performance measures certainly take on board many of the complaints that I have received from consumers. I am particularly pleased to see the performance measures standards on street lights. Street lights are an important safety and security feature in our local communities. I know that residents—particularly the elderly and those living on their own—become quite concerned when their street lights are not in working order.

Consumers who have concerns that are more complicated, and where compensation may be an issue, can still be assisted by the mediation and arbitration provided by this bill. This legislation provides electricity consumers throughout Queensland with an accessible and effective model of dispute resolution that has been developed in a sensible and cost-effective manner. This model retains the importance of independence with the appointment of independent energy mediators who will complement the independent energy arbitrators who will have the power to make the final decisions in the dispute resolution process.

I commend the bill to the House.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (10.34 p.m.): I rise to speak on the Electricity Legislation Amendment and Repeal Bill because of the heavy dependence on electricity within my electorate. It appears that each subsequent government has a different opinion or a different model as far as the arbitration of disputes in the electricity industry is concerned. What consumers are looking for is an independent, objective and fair arbitrator for their disputes.

The question has been raised by the shadow minister as to whether a minister with a shareholding interest in the entity in question can have an objective view, or whether an entity within his department can objectively arbitrate on matters in which he has such a direct interest. However, as I said, each government appears to have its own structure and its own approach. My concern is to ensure that on the record there is recognition that large industry, such as I have in my electorate—Queensland Alumina, the new industry which is coming, Comalco, Boyne Smelter and the proposed Aldoga—are all very heavy users of electricity and that they will be able to receive a fair and competitive price for their consumption of electricity.

Other industries in my electorate are also heavy consumers of electricity, and therefore not only the cost of power but also the cost of funding the structure within which they have to operate as far as electricity is concerned is important. There was a change a couple of years ago, and the representatives of a major industry in my electorate spoke with me about the cost of running the structure that was imposed on the industry. Indeed, when I had a look at the figures, the actual contribution—and it was not one of the major industries; it was a medium industry, but a significant employer—was significant. It had risen from something like $20,000 to $85,000 a year. That industry was justifiably concerned at the spiralling costs that it was required to meet.

In this legislation it is stated that this new bill will strike an annual levy to provide for the funding of the Energy Consumer Protection Office in settling disputes between electricity entities and others, and compliance monitoring of such things as conditions of authorities, approvals and licences. As I said, I am not in a position to tell which structure would be better.

The Ombudsman certainly historically has a reputation for independence. He is separate from government as far as his allegiance is concerned. He is separate from government in terms of structure. This bill proposes to change the review process within the minister's department and that brings with it some concerns. However, I guess time and experience will show whether that change is defendable or not.

**Mr Mackenroth** interjected.

**Mrs LIZ CUNNINGHAM:** It was legislated that the Ombudsman was going to come in, but that is no longer so.

**Mr Mackenroth:** They are operating very well. We are actually strengthening it.

**Mrs LIZ CUNNINGHAM:** I am just saying that they had one idea and the minister has another. Time will tell which one may have been the most objective and the most independent. However, what I do want to raise with the Treasurer is the concern of a major industry in my electorate that these levies and the other fees that they will be required to pay to support that new structure do not spiral out of control because that is one of the input costs that a business has to take into account and it affects the business's bottom line.

**Mr Mackenroth:** That's one of the reasons why they are using this model. Everywhere where you want to use an ombudsman it will cost you more. If your industry is concerned about cost, they should support us.

**Mrs LIZ CUNNINGHAM:** I do not have any feedback that they do not support the minister. I am just raising some concerns that were raised with me. In the current regime the costs did spiral out of control. It is not just a question of the cost of power, but the cost of supporting these other infrastructures that impacts on their bottom line. I bring their concerns to the minister for his consideration.

**Ms KEECH** (Albert—ALP) (10.39 p.m.): I appreciate having this opportunity to support the Electricity Legislation Amendment and Repeal Bill 2001 for two reasons. Firstly, the Beattie government is committed to investigating ways to continually improve the quality of service and the reliability of the electricity system in line with community expectations. In particular, the government wants to ensure that the rights of electricity consumers are protected. This intention reflects the commitment of the government generally to consumer rights throughout the community. Subsequently, the Energy Consumer Protection Office model for dispute resolutions as enhanced in this bill was established in October 2000 to provide an effective and accessible process to assist consumers who have a complaint with an electricity entity.

Unlike the argument put forward by the Leader of the Opposition, this is certainly less expensive than establishing an Electricity Ombudsman scheme. There is in fact no cost to consumers who access the services of the ECPO, which provides a totally independent dispute resolution process. Importantly, the government gave a commitment to review the Energy Consumer Protection Office model within 12 months of operation before making a final decision on the preferred method of dispute resolution in Queensland. This entailed a comprehensive evaluation of the performance of the ECPO.

From this evaluation an enhanced ECPO office model of dispute resolution has been developed to protect the rights of electricity consumers in Queensland. The most significant change to the existing process involves the enhancement of the mediation stage with the establishment of a formal mediation process with independent energy mediators being appointed to the mediation panel. These professional mediators, as with the independent energy arbitrators, will be employed on a fee-for-service basis only in order to reduce costs and will not be paid an honorarium or retainer. They will be employed only when there is a requirement for a formal mediation process to occur. The ECPO is fully funded by way of a levy imposed on electricity retailers, distributors and special approval holders. As part of the evaluation of the ECPO model, a more flexible and equitable funding model has been developed, and that is described in the bill.

The second reason I am happy to support this bill is that researching the bill allowed me to gain more knowledge about the role of the ECPO and the rights of Queensland energy customers. In fact, it allowed some continuous learning for me about departments and state government agencies, something which I believe is the responsibility of all members in this House who wish to serve their constituents to the very best of their abilities. The day after I was elected I was offered the unique opportunity to learn more about the challenges of supplying energy to residents in the growing Gold Coast corridor. Residents showed me leaflets indicating that Energex planned to upgrade the link between its Beenleigh, Loganlea and Gold Coast substations. Energex argued that the upgrade was necessary to maintain adequate provision of energy to the area's residential and industrial customers into the future.

However, as one could imagine, some Mount Warren Park residents were angry that the upgrade of transmission lines meant that new concrete poles for transmission lines would literally be built in their backyards. I am happy to say that due to the hard work and lengthy consultation over a couple of months between me, Energex officers and the minister's department, Mount Warren Park residents won the battle to have the route of the proposed upgrade altered. The victory showed that there is strength in the community working together to voice their concerns with the relevant stakeholders. The victory also clearly showed that the Beattie government is about consultation, listening and acting to improve the quality of services to residents of Queensland and Albert in particular.

**Ms Struthers:** An excellent victory.

**Ms KEECH:** Thank you very much. Yes, we are very happy with it. This bill, with the strengthening of the ECPO, supports these aims and objectives. For this reason, it has my strong support.

**Ms BOYLE** (Cairns—ALP) (10.43 p.m.): I, too, am very pleased to support the Electricity Legislation Amendment and Repeal Bill before the parliament. I was amazed to hear the remarks of the Leader of the Opposition when he indicated a preference on his part for the much more costly system of an ombudsman. I argue with him. I think this bill is correct and that he is quite wrong. What we are enshrining in this bill is a very sophisticated consumer complaints mechanism. It is one that is clearly weighted towards assisting the consumer and offering the consumer four levels at which that complaint can be heard and hopefully dealt with, eventually to the consumer's satisfaction.

The complaints mechanism is so sophisticated that it has already been reviewed and finetuned prior to the minister bringing the bill to the House. I congratulate him and his staff on taking that additional time to trial the method first. As a consequence of those trials, there has been some finetuning resulting in the establishment of what is really a four-stage dispute resolution process with independent energy mediators to be appointed by the regulator, the Under Treasurer, to a mediation panel that will mediate on disputes between electricity entities and customers. The independent energy mediators either must be graded members of the Institute of Arbitrators and Mediators Australia or must possess the qualifications and experience which are considered by the regulator to be appropriate to carry out the functions of an energy mediator in dispute resolution processes. This might not sound as though it is particularly sophisticated, but it is.

Unfortunately, it has been the case in many jurisdictions that willing amateurs who think that they understand mediation and dispute resolution offer their expertise on the basis of their knowledge in the specific field but have no particular training in the dynamics of the mediation and conciliation process. It is a skill that takes some time to develop and requires education. I am pleased indeed that that is very clearly embraced in this model for the ECPO. I am also pleased about the detailing of the functions and responsibilities of the ECPO and that the very first of these is raising public awareness—that is, ensuring that the public knows about the dispute resolution service, its functions and, most importantly, how to access it. I am sure that many members will be very pleased as that public awareness occurs because it will save us from finding that mechanism for consumers.

The second specific function and duty is advising on the appropriateness of internal complaint handling procedures implemented by electricity distribution and retail entities. The importance of that, of course, is that it continues to place the emphasis on the entities themselves for managing customer complaints in a proper and orderly fashion and upholding their complaints from time to time as valid and well based and dealing with them. This is the model to which we should all subscribe so that progressively as time passes there will be less and less need for the third and fourth stages in the ECPO's dispute resolution process because the entities are themselves functioning better and better in terms of managing their customers, particularly their angry customers.

The ECPO will also liaise with key stakeholder groups and peer organisations and look for those systemic causes that result in a number of complaints over a period of time and assist the entities to resolve those systemic problems. It does not matter what those problems are. The ones that come most often to my office relate to accounts, electricity being turned off, unjustly according to the customer, and vegetation issues, that is, vegetation that the customer wished had stayed instead of being cleared. They are about disconnections, interruptions to power supplies and whether or not there is some basis for compensation for the interruption to power supply. In any case, whatever the complaint might be, the first stage will assist the consumer to ensure that all have equitable access in terms of entering the first stage of the process and will offer assistance if needed to express on paper or otherwise their concern.

I have no doubt that this model will work well. I must say that it is the most sophisticated model of its kind that I have seen. I am sure that the minister is correct in his statements that it will be much more cost effective than the outdated ombudsman model being used in some other states. We have seen in our own Ombudsman's office the slowness of that model and the dissatisfaction felt by many who made their complaints a year or even 18 months before finally getting a legalistic interpretation that never really dealt with the issue that had concerned them. This model will be quicker and, I have no doubt, more effective. I am pleased to support the bill.

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (10.48 p.m.), in reply: I thank all members for their contributions to the debate tonight. Firstly, I am disappointed that the opposition will not be supporting the legislation. The Leader of the Opposition said he would not support it because it does not provide consumers with

protection. I think that the Energy Consumer Protection Office has provided consumers with protection and has provided them with an avenue to have their complaints heard and dealt with. We have trialled that office now for over a year and it has been successful. After having trialled it, we did a review of it to see whether it was working effectively, and it was working effectively. We have beefed it up by now providing for a level of mediation and by providing for mediators to be appointed to deal with disputes. I believe that this is a cost-effective way of providing consumers with protection and an uncomplicated way to deal with any complaints they have.

The member for Gladstone raised the issue of cost. The electricity industry now pays the costs of the Energy Consumer Protection Office and will continue to do so with the mediation there. That payment of cost, I believe, would be a lot less than they would need to pay for an ombudsman's office. I think it has been proven, where you do have ombudsmen, that the cost of a whole office established like that is far more expensive than the type of model that we are trialling. So I think it is a cost-effective way—

**Mr Horan:** Why would it make any difference?

**Mr MACKENROTH:** Because you end up with more of a bureaucracy in an ombudsman. I am not criticising the ombudsman, but the criticisms of the ombudsman that we have now are that it takes too long to have issues resolved, that people make complaints and that they do not get—

**Mr Horan:** Why would that be any different to property dealings with officers of your department?

**Mr MACKENROTH:** The office that we have now is working very effectively and is dealing with people's complaints in a very timely manner. I think we can improve on that. Why fix something if it is not broken? That is what we would have to do if we tried to amend it now by developing a whole new system, which I do not believe we need to do.

**Question**—That the Bill be now read a second time—put; and the House divided—

**AYES, 56**—Barry, Barton, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, E. Cunningham. J. Cunningham, Edmond, Fenlon, Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Lucas, Mackenroth, Male, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Schwarten, C. Scott, D. Scott, Smith, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: Livingstone, T. Sullivan

**NOES, 15**—Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Quinn, Rowell, Seeney, Simpson, Watson. Tellers: Copeland, Lester

Resolved in the **affirmative**.

## Committee

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) in charge of the bill.

Clauses 1 to 11, as read, agreed to.

Clause 12—

**Mr MACKENROTH** (11.00 p.m.): I move amendment No. 1—

1. Clause 12—

At page 15, line 25, ‘an arbitration’—

omit, insert—

'a proceeding'.

This amendment simply replaces the words 'an arbitration' with the words 'a proceeding', which was a recommendation of the Scrutiny of Legislation Committee. Being a person who really supports these committees, I decided to take it on board.

**Mr HORAN:** I just want to check what the difference is. The minister just said that he accepted the recommendation. What is the difference between an arbitration and a proceeding? It seems to me that if the committee has recommended it it is worth while considering. The Scrutiny of Legislation Committee has recommended that 'an arbitration' be changed to 'a proceeding'. There is quite a difference between an arbitration, where someone is making a judgment on what is right and what is wrong, and a simple proceeding, where something is just going along and that arbitration or judgment is not necessarily made. I ask the minister why he has agreed to that. The amendment relates to admissions made to energy mediators. I would have thought that if a matter is being mediated the parties would be seeking arbitration, trying to

get a decision on the matter, rather than just having a proceeding. It might seem a moot point, and I know that the minister was trying to go along with the committee's recommendation.

**Mr MACKENROTH:** In relation to section 120ZL of the proposed bill, the committee drew the attention of the House to a deficiency in the wording of subclause (1) of the section and suggested that it could be rectified by amendment in committee to delete the words 'an arbitration' and insert the words 'a proceeding'. Its argument was that the term 'proceeding' does not include various proceedings stipulated in the subclause. However, the committee noted that the term 'proceeding' did not in fact appear elsewhere in section 120ZL. This corrects that.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 21, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, with an amendment.

### Third Reading

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

## GAS AMENDMENT BILL (No. 2)

### Second Reading

Resumed from 30 (see p. 3133).

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (11.05 p.m.): The National Party will be supporting the Gas Amendment Bill (No. 2) 2001. The objective of this bill, which is shown in the explanatory notes, is to amend the Gas Act 1965 by creating new provisions obliging gas market participants to follow rules relating to gas network operation and gas sales in a contestable market and by creating a new part containing the new provisions and consolidating existing provisions relating to gas market contestability.

As we have moved to a significant tranche of contestability, legislation that can provide for the proper business arrangements so that contestability can operate in a formal, defined and regular way has not been in place. The only comment I make on that is that contestability has been in place since 1 July for large consumers of gas—100 terajoules or more. We have been going for four or five months in a market that does not have that legislation in place.

**Mr Mackenroth:** None of their contracts have expired, so we have had the time, knowing that none of those contracts would come up for—

**Mr HORAN:** The minister can comment on that in his speech in reply to the debate.

Before I go into detail, I will briefly talk about some of the gas issues in the state. It is important for us as a state that we have a reliable, readily available gas supply that is as cheap as possible. There has been a lot of talk and a lot of promises. The previous Beattie government promised, particularly through the then Minister for State Development, Mr Elder, that PNG gas would be down the spine of coastal Queensland by the end of that term or that the provision of that gas would be commenced. Many of the industrial areas of Queensland really need a reliable gas supply.

In places such as Western Australia there has been a massive increase in the amount of industrialisation. Industry was attracted to Western Australia once they got piped gas to areas of the state. There is a desperate need in Townsville for a base load power station. One of the keys to a base load power station in that area is the provision of natural gas. It just seems to take years and years to arrive. There are a number of options for the state, not simply PNG gas. There is gas from the Timor area, gas from south-west Queensland and also coal seam methane. Increasingly, coal seam methane is being seen as a stronger possibility. One of the things we would all like to see is that we use the resources of our own state. I believe that the companies behind coal seam methane are becoming extremely confident about its practicality and reliability. If coal seam methane can be proven to be practical, then using materials from our own sovereign area, from our own state—using our own products with our own workers in Queensland, and companies providing that—is certainly the way to go.

Ultimately, the most important thing is that this state gets a reliable and efficient source of gas supply which can be provided to many of the industrial areas in the regions of Queensland and in south-east Queensland. To date, the government has not been able to do that. The PNG negotiations have bogged down. I know there have been a lot of offshore issues involved, but the government promised that that gas would be delivered to this state. It was one of the great promises of the former State Development Minister, Mr Elder, who said that the government would sink or swim in its first term on the issue of provision of that gas. I think that is something we have to face up to as a state. The National Party is determined to keep pushing for those gas supplies to be provided for the state. Time is of the essence. They are big, major projects, but time is of the essence to ensure that those supplies come through.

I will comment on an interesting project I saw in the Chinchilla area. A company called Link Energy has been undertaking a trial for a couple of years using Russian technology not used in many other parts of the world. It is burning coal that is too deep to be mined—in the order of 130 metres deep. The system uses squares of so many square metres at a time and burns the coal underground by drilling a pipeline to either end of the particular square and forcing compressed air down the line at one side. The volume and pressure of the air determines the extent of that deep underground fire which burns the coal, so it is a controlled burn. Out of the other pipeline is produced a gas of very high quality and of very high environmental quality. That company has been producing gas there for two years now, 24 hours a day, around the clock. It is an interesting development. At the same time, it has been producing other by-products such as phenols, heavy petroleum products and fertiliser. For an area like Chinchilla, this could be a very important industry. I urge the minister to ensure, through the Office of Energy, that the project is inspected and considered. I think the Minister for State Development should have a look at that particular project because towns such as Chinchilla are looking for opportunities where a project can get off the ground and provide local employment and an opportunity for local contractors.

The coal seam methane projects that are being looked at by companies at the moment could be very promising for the state and may be a lot closer to production than many people might think. Companies are now overcoming some of the difficulties of those proposals and schemes. It is worth while looking at them and providing assistance and support in any way possible because it means using a Queensland product rather than relying on a source of gas from another part of the world.

I just wanted to make those comments on a broad scale about the importance of gas and the way in which gas brings industry. When the gas pipeline was taken from the south west up to Mount Isa, it was of enormous benefit to industry in that area. If we want to achieve and move forward as a state, we need those major sources of industrial gas brought to parts of the state where new and exciting industries can be developed, or where existing industries—such as Korea Zinc and QNI in Townsville—need a base power station, and where those sorts of industries can be promoted and assisted to grow.

Getting back to the actual content of the bill, as the minister noted in his second reading speech, I say that Queensland has provided for the staggered introduction of retail gas competition based on a transitional timetable as part of the national process of natural gas market reform. On 1 July 2001 large customers—that is, customers that have a gas consumption of at least 100 terajoules per year—became contestable. Currently, there is no legislative mechanism to give legal force to the business procedures and rules needed to make contestability workable. Those procedures and rules currently under development will be embodied in a code of conduct.

The proposed amendments to the Gas Act 1965 provide the means by which a code of conduct, approved by the minister, may be given legal effect to. The existing act also contains existing provisions relating to contestability contained in the preliminary and miscellaneous parts of the act. The proposed amendments are aimed at consolidating those provisions in a new part of the act, as well as providing for the approval of a code of conduct.

Prior to discussing the amendments that have been proposed in the bill, I will briefly state that the National Party recognises—and I have stated this in particular in my outline—the potential for the Queensland gas industry not only to be a major supplier of energy directly to Queensland industry, but also to play a role in electricity generation. I mention in particular the urgent need for a base load power station in Townsville to provide the volume of power that is required in the north, to provide for the growth of major industry and to provide the people of the north with the opportunity to benefit from some of the electricity reforms that have happened in recent years by providing them with electricity at a cheaper price, electricity that does not have losses in

transmission, as it does now, over the significant distances it is transported through the lines to the far north, mainly from central Queensland generating facilities.

Before I comment on the amendments that have been proposed in this bill, I think it is important to discuss whether the bill is consistent with fundamental legislative principles. The proposed legislation includes terms defined by reference to their meaning given under the Gas Pipeline (Queensland) Access Law contained in the Gas Pipeline Access (Queensland) Act 1998. The definitions which reference the law are substantial in nature. However, the minister has reassured the parliament that gas market participants who are major stakeholders in this legislation are familiar with the law and its defined terms. Perhaps the minister might just go over that reassurance in his reply.

The law also plays an integral part in the operation of the market and participants would read both the Gas Act and any approved code in conjunction with the law. As members are aware, natural gas producers, transmission and network pipeline operators and retailers have been consulted on the legal mechanism affecting the code. To this stage, I understand that all parties have been consulted on the broader matter of the development of the code of conduct that will flow on from the legislative head of power that will be provided in this bill.

One wonders why it has taken so long for the Beattie government to establish the rules and business procedures that would embody a code of conduct to make contestability in the gas market workable. The minister has indicated that he will explain that in his speech at the end of this debate.

While I am talking about the major objective in this legislation, clause 9, which inserts a new section 33E that provides for such a regulation to be made that deals with the arrangements relating to the operation or use of natural gas distribution and transmission pipelines, I would like to express our concerns that the business procedures and rules are still under development. These rules and procedures are to be embodied in a code of conduct. It is also of concern that, although the code of conduct, once approved by the minister, will be tabled, the parliament is actually external to the development process of that code of conduct. Therefore, it is critical that the minister provides a reassurance to the parliament as to what we can expect will be embodied in the code of conduct, how much consultation there will be with industry in the development of that code of conduct, and what say industry will have in the development of the business procedures and rules. If this code of conduct is not developed to the highest standards, again there is the risk of being unable to prove a customer's consumption of the number of terajoules, which could result in conjecture within the gas market.

This issue was also raised in the *Alert Digest* report on the Gas Amendment Bill. It is noted that the committee has sometimes commented adversely on provisions of this type, which permits matters to be dealt with not by regulation but by alternative means—in this case, the making of codes of conduct that do not constitute subordinate legislation. Therefore, it is important that the minister, as reported in the explanatory notes, must table a copy of the code when it is completed. He must table that in the Legislative Assembly within 14 sitting days of the gazetted regulation, as would be inserted into the legislation by new section 33F.

The final amendment that is contained in this bill that I wish to note is in regard to new section 33F(4), which states—

A failure to comply with this section does not invalidate or otherwise affect the code or the regulation.

I will refer to that new subsection at the committee stage.

In conclusion, the opposition supports this part of the bill. However, it is vitally important that the minister's department and the government do not use this subsection as a means of denying members of the public the opportunity to inspect a copy of the code of conduct. Given the absence of a relevant code of conduct in the gas market to make the contestability workable, the opposition will be offering its support to this bill. We may discuss some of those issues that I have raised at the committee stage of the bill.

**Mr MULHERIN** (Mackay—ALP) (11.21 p.m.): I rise to speak briefly in support of the Gas Amendment Bill, and in particular the section of the bill pertaining to the gas code of conduct and why it is necessary to have a code of conduct. In the precontestable, reticulated gas market, a single retailer had the sole right to sell gas via a distribution pipeline. With the advent of contestability on 1 July 2001 for customers who consume at least 100 terajoules a year, which is about 20 to 30 customers in Queensland, retailers are permitted to compete with each other to supply reticulated consumers. This introduces complexity in linking gas flows to retailers.

The code of conduct is intended to embody the rules and procedures required to make the contestable gas market workable and would include such steps as nomination, balancing, estimation and reconciliation, which are designed to ensure that the network operator knows how much gas each gas retailer intends to take from the network; that each gas retailer can ensure that the amount of gas that they take out of the network is the same as the amount of gas that they put into the network; that the network operator can maintain safe gas pressures in the network; and that customer transfer between retailers occurs in an efficient manner.

In order that the contestable market can function better, the code will impose obligations on market participants regarding the timely acquisition, storage and transfer of gas flow information. For example, gas businesses collectively will need to maintain a database of delivery point identifiers, that is, points at which gas is delivered to a customer's premises in order to track registrations and transfers. They will also need to manage metering data for those delivery points and ensure that the demand and supply of gas are balanced, as any shortfall by a single retailer could affect all other retailers.

If a gas retailer takes more gas from the network than it puts in, it is, in effect, taking the gas of another gas retailer. If the amount of gas taken from the network does not equal the amount of gas put into the network, the network is not in balance and its safety and smooth operation would be affected. This could also lead to substantial commercial and legal difficulties for market participants. The code will be designed to overcome these difficulties.

Work on the development of the code is already under way, with industry consultation being initiated and various issues papers being circulated to stakeholders to identify matters of concern to progress the drafting of the code. A number of working group meetings have also been convened with industry to facilitate agreement on the nature of the code. Draft versions of the code have been circulated to the working group and a wider consultation group.

From 1 July 2001, retail competition for gas customers who consume at least 100 terajoules of gas a year became legally possible. Parliament has enacted that full retail competition in gas, that is, competition for all consumers no matter what quantity of gas consumed, will occur on 1 January 2003 subject to a cost-benefit test. In order to ensure that the benefits or otherwise of this final step in competition are considered fully prior to proceeding to full retail competition, the government is committed to carrying out a full cost-benefit study. This study will ensure that the government is fully apprised of the costs and benefits to all industry participants, including the mums and dads, prior to committing to this path. The cost-benefit study is expected to be completed by mid-2002.

The deferment of full retail competition until 1 January 2003 will also provide the government and industry with sufficient time to develop processes for managing a successful transition to a fully competitive gas market, if the government chooses to go down that path. The gas code of conduct will be part of these regulatory arrangements. This bill provides the means to give legal effect to the code for customers who consume at least 100 terajoules of gas a year. I commend the bill to the House.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (11.26 p.m.): Gas contestability for large users in Queensland is a developing concept. The greater use of gas as a cleaner fuel is welcome, especially in my electorate where it will have fewer environmental impacts as it is a cleaner, greener feedstock. Large supplies of gas to my region offers to industry options such as cogeneration. Indeed, I know that Comalco is looking to the future when it has a reliable, large supply of gas fuel so that cogeneration can be part and parcel of its plant.

The proposal in this bill is to ensure that contestability is workable. The code of conduct is to be put in place for precisely that reason. I have had no complaints from industry in my electorate, although, as I said, gas as a feedstock is a high priority in terms of their options. I have a question that has arisen, and the shadow minister made mention of it but did not directly ask the question. Will the code of conduct be available for public scrutiny? Given that it is going to be activated by regulation, I cannot see how it could possibly be withheld from public scrutiny. But could it be because of GOC or other private industry arrangements? I commend the bill to the House. I believe that any advances in the availability of gas—as I said, a cleaner, greener feedstock—to our larger industries is welcome.

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (11.27 p.m.), in reply: I thank the members for their contributions to the debate. The Leader of the Opposition raised a couple of issues about the code of conduct and having brought it in after competition had started. As I understand it, the contracts were in place. We are not

dealing with any contracts yet and the QCA is making a determination on some. So we have time to put the code of conduct in place. Earlier, when we made the amendment to the act in relation to competition, we were aware of that. So we know that there is time to do it, and that will happen.

In relation to the status of the code at this stage, industry consultation has started with various issues papers being circulated to stakeholders—that is both to the gas industry as well as the customers—to identify matters of concern to progress the drafting of the code. A number of working group meetings have been convened to facilitate agreement on the nature of the code and draft versions of the code have been circulated to the working group and to a wider consultation group. Depending on the resolution of any outstanding issues about the code, it is expected that the code will be finalised by early 2002.

The other matter that was raised by the member related to gas coming into the state and a base load power station in Townsville. In February this year when I became the Minister for Energy, one of the things that I did was to revisit the work that had been done in relation to the development of a gas base load power station in Townsville. We actually restarted the process to ensure that all areas of gas supply were considered, and just recently we closed expressions of interest. We had some 15 expressions of interest for power stations where the proponents of the power station had to put together how the gas would be provided to the power station. We are working through those with those proponents now and will have out of that some firm proposals by February next year, which will then enable us to move towards actually letting contracts or giving approval for a gas base load power station in Townsville.

In asking the proponents to go back to the drawing boards, we said to them, 'You can look at all avenues to provide gas,' and the areas that the member mentioned—PNG, Timor Sea, the south west and from coal seam methane—are all areas that they are able to provide us with a model that their power station can work from and also provide us with the information as to how that gas will be piped into Townsville. We are very hopeful that early in the new year we will have an answer as to how that gas-fired power station will be provided, and in fact we will see that happen. I thank members for their contributions to the debate tonight.

Motion agreed to.

**Committee**.

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) in charge of the bill.

Clauses 1 to 8, as read, agreed to.

Clause 9—

**Mr HORAN** (11.34 p.m.): This clause inserts the market operating arrangements for the gas market and provides for the regulations for the actual operation of the system in the contestable market. Proposed section 33E refers to the market operating arrangements. Subsection (1) provides—

A regulation may—

(b) impose stated terms on the arrangements; and ...

Does the minister intend to set out the terms of the arrangements? It seems to me that the regulations will get down to quite a bit of detail. I would like the Minister's explanation of that. The subsection states further—

(c) provide for legal effect or enforcement of the terms, including, for example, by dispute resolution, arbitration or court proceedings.

I was thinking back to the previous bill in which we debated whether there should be an ombudsman in the electricity industry or whether it should be the model proposed of an office for consumer protection, resolution and so forth. What does the minister envisage will be in effect here to deal with any dispute resolution in the case of gas as opposed to electricity?

**Mr MACKENROTH:** In relation to (c) in respect of the legal effect of the enforcement, the member raised the issue of the Electricity Consumer Protection Office. The contracts to which we are referring are not contracts between consumers and the gas industry but in fact would be contracts between the gas company and the pipeline company. Those sorts of contracts are not contracts with consumers. So we do not have an issue there. In respect of the arrangements already in place, there are terms that are in place. This would allow further arrangements. The bill

has actually explained what are those arrangements in numbers one to five, which are above (b) as follows—

1. The registration and identification of or access to delivery points.
2. The provision of meters and telemetry equipment.
3. The nature and storage of information and access to that information.
4. Gas nomination and balancing.
5. Consumer transfer processes.

It is actually looking at those issues and stating them in the terms of the arrangements.

**Mr Horan:** What system of arbitration are we looking at?

**Mr MACKENROTH:** It would be written into the code and it would a third party arbitration system. In the electricity bill we just debated we have the ability to appoint arbitrators, and it would be something similar written into the code. But there are able to be third party people who would be the arbitrators and who would be appointed.

**Mr HORAN:** I can see that. One will actually need to bring regulations to the parliament that will show us quite clearly, for example, that the regulation would describe the systems by which the meterage is put in and how it is put in to conform with contestability and competition. For example, I am trying to envisage the supply to a major taker of gas. I guess the gas itself does not change, but if they decide to take their gas from a different supplier under the contestability arrangements, there has to be a way of measuring whose gas one has taken or which company one has taken it from, or is it just simply an accounting-type exercise where the meter simply reads what has gone through? I can see what the minister is trying to get at: that before there was contestability it just came from the one place and at the end of every six months one decided that one could get cheaper gas from someone else, but it is still probably all the same gas coming through the line. It is just a different middle organisation dealing with it or marketing it. One has to have a way of knowing when company A's gas has changed to company B's gas going through the meter. I presume that is what the regulations will set out. The minister is subsequently going to bring in some arbitration system, possibly by legislation, as he did with the electricity legislation.

I ask the minister to describe to the House how the code of conduct is to be developed and how it is to be put before the parliament so that honourable members can assess it. That matter is probably covered on the next page where it says that 'Within 14 days a copy of the code will be tabled in the parliament'. We would like a little further explanation on that. I know the member for Gladstone asked how the code of conduct is to be put together. What opportunities will the parliament have to examine the code and make an assessment of it?

**Mr MACKENROTH:** As I said in my reply, we are currently negotiating with industry and all the players as to what should and should not be in the code. We are getting agreement on that. When that is done, a regulation under this act will come into force which will adopt the code. The code that is agreed on and developed by Treasury will then be adopted by regulation. The regulation will refer to that code. The regulation and the code will then have to be tabled in parliament within 14 days, as is any regulation.

As well as the regulation allowing the code to come into force, the actual code will be tabled in the parliament as well. Any amendments to the code will have to be tabled in the parliament. That gives members of parliament an opportunity to peruse it. If members are unhappy with it they can move disallowance of the regulation which brings the code into force. Whilst an honourable member would not actually move disallowance of the code as such, he would move disallowance of the regulation, and disallowance of the regulation would have the effect of the code not being in operation. Honourable members will have the ability to deal with it in the same way as they could deal with the regulation.

Clause 9, as read, agreed to.

Clauses 10 and 11, as read, agreed to.

Bill reported, without amendment.

## Third Reading

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

## MAJOR SPORTS FACILITIES BILL
### Second Reading

Resumed from 8 November (see p 3591).

**Hon. K. R. LINGARD** (Beaudesert—NPA) (11.42 p.m.): I rise to speak on the Major Sports Facilities Bill. The opposition has some reservations about this bill which hopefully the Treasurer will be able to answer.

I would like to start by putting on record the strong support of the opposition for sport in this state. Our 2001 policy stated—

> The National Party believes that every Queenslander regardless of geographical location, age, sex or prowess, should have reasonable access to appropriate sport and recreation opportunities and facilities. Every individual and every community should be able to contribute to, and gain from, the benefits that flow from a progressive, healthy, and innovative sport and recreation regime.

We particularly support the attraction of major sporting events to Queensland, for they bring many benefits. We also agree with the modern approach for events such as the Bledisloe Cup to be run by private organisations, and for these private organisations to tender out functions such as the Bledisloe Cup. We are aware that it may be that a private concern which is running the Bledisloe Cup would approach all cities in Australia and ask for a tender price, and that all of these cities need very large venues if they are to compete against each other.

Brisbane is clearly at a disadvantage when it comes to venues such as the Melbourne Cricket Ground if we cannot put 80,000, 90,000 or 100,000 people into a particular venue. Our people have no chance of participating in or experiencing events such as the Bledisloe Cup unless we have such venues. These events encourage Queenslanders to greater participation in sport. They provide great entertainment, they show Queensland and Australia's world class talent and they bring great economic benefits to the state.

As we saw in the 1982 Commonwealth Games and the 2001 Goodwill Games, in order to attract top-notch sporting events we must have first-rate facilities. The National Party has a proud history of developing venues of the highest standard and maintaining them. The maintenance and management side of the equation is just as important as the building side. It is important that no one facility gains benefits at the expense of another.

One of the major intentions of this bill is to create a major sports facility authority to manage Queensland's major sporting and entertainment venues. The opposition asks the minister how he is going to ensure that no one facility gains benefit at the expense of another. If it is the situation that one particular venue is running at a loss, what will the minister do? Will he make sure that that particular venue maintains that loss? Similarly, if it is maintaining a profit, how will the minister ensure that there is no transfer of these profits or losses? We have concerns about this proposal. However, there is no doubt that the opposition has always believed that there is a need for a more central authority and we were certainly moving towards that position.

We are concerned that funds collected by a venue stay with that venue. I have spoken to people in Brisbane and that is their concern. There is no doubt that the minister will have a problem in trying to control that. I ask the minister what his policy is going to be for a venue such as the Gabba which runs at an extreme profit because of the facilities that are there—

**Mr Mackenroth:** A what?

**Mr LINGARD:** If it does run at a profit because of the extra facilities provided at that particular centre, how is he going to equate that with another venue that does not have such facilities?

**Mr Mackenroth:** An extreme profit!

**Mr LINGARD:** When did the minister have a great command of the English language? Likewise, if a facility has racked up debt, that liability must remain with that venue and not be assumed by the group. A current example of this is that Lang Park at present has recurrent debt of $16 million. $45 million for the present development needs to be repaid out of the operational budget. Another $235 million is to be repaid by the pub tax. This debt must not be shouldered by profitable enterprises.

We are seeking a guarantee that each facility will be separate in administration, will be separate in revenue and will be separate in liabilities and that this will be clearly identified in the annual report. If we do not receive this undertaking, how can we be certain that this authority will not simply be used as the milch cow to prop up a loss-making enterprise whilst running down the thriving enterprises?

We are concerned that if venues are in competition for a major event—for example, the Bledisloe Cup or an international pop concert—having all these amenities under the one authority may compromise true competition. I would be interested to learn how a central authority, having a responsibility to the government, can work out how, say, the Gabba, Lang Park or the rugby union grounds are suitable for a particular activity. How is the Treasurer going to ensure that there is an impartial decision and not a favourable decision? Even though the board will consist of a group of seven people, there are human elements involved and there is very strong competition from sporting groups. We need an assurance that no interference by the Major Sports Facilities Authority will be allowed at all in the bidding for such events. If the authority does meddle in this process, we may find that games do not go to the venue that is most suited and most efficient but, rather, may go to the venue which needs the income the most. The National Party believes that this is not good business practice. We would strongly oppose such an action.

Thirdly, listed before us are the Brisbane Cricket Ground and the Suncorp Metway Stadium as facilities to be incorporated under this authority. Can the Treasurer confirm or deny whether the Sleeman Centre at Chandler, Boondall and ANZ Stadium are to be transferred from the Brisbane City Council? I remember seeing a release which said that negotiations were ongoing with these groups. Will these be transferred to the state government? If so, will they be incorporated under this authority? If this acquisition is to occur, will the Treasurer also state on what grounds these venues would be acquired? Will it be the case that local governments can turn to the state government and say that a particular entertainment venue is not a viable proposition? If so, what will be the responsibility of the government for picking up this sort of venue? Who will control the board as it makes a decision as to whether or not it picks up a non-viable concern from a local council? Can a local council allow a venue to be run down and then just dump it on this authority?

Fourthly, we are concerned by the trend of this government to concentrate its attention and funding on sporting venues in Brisbane to the detriment of regional sporting facilities. We all have our own personal thoughts on what we are doing in regional areas. We all react to criticism that we work in metropolitan areas, but there is no doubt when it comes to decisions on these particular venues. I use an equestrian centre as a typical example. If a magnificent equestrian centre is to be built, there is no doubt that an authority which has to ensure it is viable will move it towards a highly populated area, because it simply needs that kind of support to make it a viable entity. The people of Warwick would not be concerned if the city council decided to build an equestrian centre. It would be more determined to build an equestrian centre at Warwick than the government would because the government knows full well that the population base is not there but that it is in places like Toowoomba or the Gold Coast.

The National Party's 2001 sport policy states that investigations will be undertaken into the feasibility of further developing viable stadium projects in major regional areas of Queensland. I challenge this government to provide regional areas with comparable opportunities as those provided to Brisbane. I am concerned that under this sort of administration sporting facilities will be even more concentrated. The equestrian centre is a good example. I am also apprehensive that state-wide revenues such as the pub tax will be allocated to metropolitan facilities to the detriment of regional facilities. How will the Treasurer ensure that this will not occur?

The second major aspect of this bill concerns the setting up of a Stadium Redevelopment Authority to oversee the development of Lang Park. As members opposite are aware, we on this side of the House have been consistently concerned about the use of public money in the redevelopment as advocated by the government. I continue to challenge the Treasurer to refer Lang Park to either the Public Accounts Committee or the Public Works Committee. We continually find that the Public Accounts Committee and the Public Works Committee have not—and I use these words—made a decision to look at the development of Lang Park. Quite obviously, this is a political decision. If he wishes, the Treasurer has the ability to refer this to the Public Works Committee.

There is no way in the wide world that this government is being honest in its public scrutiny of either Lang Park or other such projects. There is no doubt the committees are dominated by the government and no doubt that this government will not allow the Public Works Committee or the Public Accounts Committee to investigate this development. In other states spending $280 million or $45 million would demonstrate that there is a definite commitment by the government to this sort of facility, yet this issue will not be investigated by the Public Works Committee or the Public Accounts Committee.

We have been particularly opposed to the application of the pub tax. We feel that this fee is unfair and unjustified. We also believe the actions of this government during the process have

been deplorable. It has not allowed due process, has ignored community groups and has misled the public repeatedly. I have always referred to performance auditing. The Treasurer criticised me and said how dare we even indicate that the Auditor-General can tell the government what to do. That is the basis of a performance based audit; it is where an Auditor-General can look at the accounts and say, 'Yes, all the invoices and statements match the payments.' However, he will also say, 'I believe that the Minister for Families has not spent enough money on disabilities.' He has that ability in performance based auditing. We do not do it in this state.

**Mr Mackenroth** interjected.

**Mr LINGARD:** I have heard the Deputy Premier mention that. At least I have never used two cars to go to Sydney to take a netball team. At least I have never hidden my accounts and not allowed them to go out under FOI. He knows as well as I do what he hid, so he should not start that. At least Charlie Doyle carried the flag.

We believe that the actions of this government during the process have been deplorable. We are worried that this authority will continue this sham and be just another tool that this government will use to hide the full cost and realities of this development. I ask the Treasurer to reassure this side of the House very strongly that this will not occur. I did not think he would start that again.

**Mr Mackenroth** interjected.

**Mr LINGARD:** The member opposite can say whatever he likes, and so can I. But it is quite amazing to hear the reaction of the backbench after I said something compared with the reaction to something the Treasurer said.

I also note that the term of the chief executive officer of the Stadium Redevelopment Authority is not to exceed 30 September 2003. Will the Treasurer guarantee that the Lang Park redevelopment will not exceed this date and that all lose ends will be finalised? I also ask the Treasurer: what is to happen under this authority to all those people who hold cricket club memberships? What happens to life members of Lang Park under this authority? What happens to the trustees? What will be the agreements between ANZ, the Brisbane City Council and groups like the Broncos? Who controls that concern?

Who determines structures of a complex in the future, especially the structure of a complex such as for soccer and tennis? If the government decides to build a combined venue for soccer and tennis, especially with the way turf can be laid these days, who makes that decision? Who is going to say, 'We will have a combined venue,' especially if the soccer association says that it does not want to combine with tennis and tennis says a similar thing? Who will make decisions on super stadiums? Who determines the standard of a hockey venue? As we all know, super-duper hockey venues are needed if we are to have a top-class hockey team. If a particular sport wants a particular standard but the government says, 'No, we will not spend that amount of money,' who will make those decisions?

**Mr Mackenroth:** There is only one association left in Queensland now that hasn't got a really good hockey centre.

**Mr LINGARD:** The equestrian centre would be another typical example.

**Mr Mackenroth:** No, hockey. We fund all but one of the five top international hockey centres.

**Mr LINGARD:** I do not think that one hockey centre in Queensland is going to be enough. I certainly think that the equestrian centre would be another typical example. At this stage, there is not a top-class equestrian centre. Who is going to make a decision on a top-class equestrian centre? Who is going to make the decision as to where it is to be built and what sort of equestrian centre is to be built? Who is going to determine the extent of the debt? Surely a sporting group would say that they want to go into debt to build a super-duper equestrian centre, especially if this authority is going to take responsibility. There is reason for great concern when it comes to this.

**Mr Mackenroth:** Who said that the authority has responsibility for this?

**Mr LINGARD:** Who is going to take responsibility for the development?

**Mr Mackenroth:** If a sporting organisation wants to build an equestrian centre, they can go and build one.

**Mr LINGARD:** Of course they can go and build one. I am asking how much they are allowed to spend or how much they are allowed to put into that sort of complex. I also ask the minister: what opportunity will private groups have to develop a complex, especially when the government

sees that it could be a viable proposition? If a private group wants to move into Queensland and build a massive complex, who will make a decision on whether this private group can develop such a complex, especially if it will be in competition with some of the top venues? There are many questions I would like the Treasurer to answer. While we will support the bill, we need some sort of answer to some of those questions.

**Mr CUMMINS** (Kawana—ALP) (12.01 a.m.): I rise to support the Major Sports Facilities Bill. I am proud to be on the minister's caucus advisory committee. Queensland will benefit from world-class facilities. As we realise, sport is big business. While we acknowledge that fact, we must remember that communities must also be looked after and supported at a lower level.

The Buderim Hockey Association is very grateful to the minister for his support over the past few years of a super-duper international standard hockey facility. As the minister mentioned, only one regional hockey association does not have an international standard playing field. I believe they are working to look into that one as well.

I want to mention the Sunshine Sports Complex, or Quad Park, formerly the Kawana Sports Club Incorporated, within my electorate of Kawana. Located at Bokarina on the Sunshine Coast, the sports fields have received $440,000 in the past few months. This was the first ever major contribution of state funding. The funding was provided to establish playing fields to the western side of those which presently exist. The current facilities are of a very good standard, but with the growing community on the Sunshine Coast they quickly become overutilised. The grass tends to do it tough because of too much traffic. When the venue was originally opened, Australian Rules football made its home there. That sport is no longer played there, but we now have Rugby Union, Rugby League and touch football. Over the years, softball has come and gone. Various other sporting activities are undertaken at the complex as well as home shows, schoolies week functions, et cetera. So this well-utilised community facility will, in the future, possibly be of international, or at least interstate, standard and it will be the regional sports complex for the Sunshine Coast for Rugby League, Rugby Union and touch football. We will look after the juniors by providing them with facilities further to the west.

On the subject of Quad Park, formerly the Sunshine Sports Complex, I want to mention Tony Long who, along with myself, was one of the original directors. I resigned upon being elected to state government. Tony Long was a former Landsborough council town planner and then went on to Lensworth Kawana Waters. He has since finished up with that company and has a passion to see that the Sunshine Coast obtains major sporting facilities. Hopefully some of those will go into the Kawana electorate, whether it be at this Bokarina complex I mentioned or other locations. I also wish to mention Reg Roberts, the chief executive officer of Quad Park, who has been on board for close to 12 months now. He is doing an outstanding job.

The Major Sports Facilities Bill aims to identify sporting venues for the future. Sporting venues are big business. This government wants to provide the best facilities for the state. I support the bill.

**Mr HORAN** (Toowoomba South—NPA) (Leader of the Opposition) (12.05 a.m.): The Major Sports Facilities Bill has two major components. The first is establishing the Major Sports Facilities Authority, which will have responsibility for managing Queensland's major sporting and entertainment venues. The second is to establish an authority to oversee the redevelopment of Suncorp Metway Stadium, or Lang Park, as we know it. As the shadow minister has said, we have some concerns. We will be considering supporting this bill, but we have some concerns that the minister might be able to address.

I turn first to managing these major sporting and entertainment venues. To date, the venues that have been spoken of are Boondall, Chandler, QE II, the Gabba and Suncorp Metway. This is one of the areas of concern that we have. Each of those are major operations with a complex mix of tenants at times. All of those organisations and the current boards would want to be absolutely guaranteed that their particular operation, if it was operating profitably, would not be cross-subsidising another operation. It is quite a big shift to place these individual operations under one super trust or super authority. For example, the Gabba has operated for generations, subject to the relevant act, which is, from memory, a 1974 or 1954 act.

For example, if we look at Suncorp Metway Stadium or the Lang Park Trust, as I understand it, it has a recurrent debt of about $16 million that has built up over the past three years. In addition to that, it will have the responsibility for the $280 million debt for the capital cost of construction, which will be repaid through two separate loans, one of $235 million that will be funded through the new pub tax and one of $45 million that it is supposed to repay through the

operation of Lang Park—through the rentals, concessions, sponsorships, TV rights and so forth. It will have a substantial debt. Basically, if you put aside the $235 million that is going to be covered by the pub tax, it will have to fund a total of $45 million plus $65 million for a start, let alone ensuring that its day-to-day operations are profitable to the extent that it can repay both those loans—that is, the debt of $16 million it has to reduce and the loan of $45 million that it has as a contribution to the capital cost—and also do the maintenance and repairs and run the facility, and hopefully be left with a surplus. Without that, there will be a need for a government injection of funds.

I think we need to know tonight: where do each of these venues stand? When the super trust comes together and it absorbs the existing capital debt that Lang Park will have—no, sorry, that debt will be—

**Mr Mackenroth:** All the debt.

**Mr HORAN:** They will have to absorb all the debt—not only the capital debt but also any accumulated losses that have occurred. It will depend upon what arrangements will be in place for the purchase or takeover of these operations. QE II, Chandler and Boondall are currently Brisbane City Council operations. What debt exists with these? What debt will be transferred with these, if any? Are there any accumulated losses with these operations? For example, as I understand it Boondall could operate at a surplus, provided it did not have to meet whatever capital repayments it has. I do not have a lot of knowledge about it, but that is my understanding of Boondall. I think this parliament needs to know what is going to happen when the government takes over these Brisbane City Council assets. These three major assets have been operated by the Brisbane City Council on behalf of the people of Brisbane city and, because it is the capital city, very often on behalf of other people.

**Mr Mackenroth:** Sometimes there are more buses from Toowoomba than there are people at Boondall.

**Mr HORAN:** It is true that Queensland would collapse without Toowoomba.

**Mr Cummins:** Don't forget the Clydesdales.

**Mr HORAN:** They did win the premiership and beat Redcliffe.

I recognise that the capital city very often provides facilities that are used by the rest of south-east Queensland or indeed all of Queensland—for events such as the State of Origin, for which people come from everywhere. That happens in a relative way with other cities. Often facilities in Toowoomba are used by the people of the Darling Downs and surrounding shires. It is the same with Townsville. When the Cowboys play people come from Mount Isa. It is the same with Cairns when the Crocodiles or the Taipans play. When teams play in different venues in different regional cities, people come from all around. That is part of how it works.

I think this is a serious issue. We as a parliament have to know what the state government is absorbing in the takeover of these major Brisbane City Council assets. What responsibility will the state government have, through the super trust, to finance these places if they run at a loss? For big venues such as Chandler, which has a sporting and a social benefit and which was designed for the Commonwealth Games, sometimes it is hard to make them profitable. Chandler is spread over a large area and has different venues that were originally for boxing, swimming and so on. The swimming venue itself might be profitable. The others that are used less frequently may not be as profitable. I think we as a parliament have to know the likely cost to the government.

There may be altruistic reasons for doing this, but it is probably a deal to enable the Broncos to move out of their contract with QE II. Perhaps the Brisbane City Council has forced upon the government this move to take over Boondall, Chandler and QE II because they are costly to the Brisbane City Council. It is probably facing major maintenance costs and maybe it is losing money. I am inclined to think that that is part of the arrangement. Perhaps the Lord Mayor has said that he is prepared to break the contract for the Broncos at QE II to enable them to go to Lang Park. It will be important to have a major anchor tenant such as the Broncos at Lang Park—I know that—but contractual arrangements exist whereby they are currently at QE II.

What responsibility will the government be taking on for the capital debts that may still apply to these major venues that are proposed to be taken over now or other venues that might be proposed in the future? Under this legislation the government will be able to do that in the future if some other venue comes up with a proposal. I know that under this legislation they have to agree to it before the government can actually put that into effect. Secondly, what will be the recurrent or ongoing costs or losses that may occur for these particular organisations?

We need to know that there can be an absolute guarantee of quarantining of the income and expenditure for all of these particular facilities. The major tenants at the Gabba are Australian Rules football and cricket. The Brisbane Lions pay a major rental at that venue—I think in the order of $2 million a year. They have been very successful. I think the major tenants at those venues want to know that they are part of an organisation that will quarantine their income and expenditure so that they know exactly where they stand. They need to know that they can make a profit and that it can be put back into that particular venue and will not be used to cross-subsidise or enhance another venue. It is their efforts—it always has been their efforts—that may make a particular venue such as the Gabba successful through their promotion, their ideas and so forth.

Another issue relates to the individuality of some of these venues. Sometimes a super trust arrangement can work well. Sometimes it may not. With people on a trust who have a particular interest in a sport or a particular venue, the drive to make that sport competitive with other sports can sometimes make a place far better. They may have better pre-match entertainment, better food concessions, better scoreboard facilities, a better atmosphere and so on to make a venue interesting and exciting. One thing that will have to be watched with the super trust is that we do not get a one-size-fits-all approach. A terrific super trust might enhance some places that are not working well, but once we get to a big organisation that is covering a whole range of codes and a whole range of facilities it can be very different from a successful trust that really has the interests of one particular venue at heart and has made that one venue interesting and exciting.

I refer to the Stadium Development Authority that will oversee the redevelopment of Suncorp Metway Stadium. We have had a lot to say about this stadium. Construction is now under way. We have had all the arguments about where this stadium should be, whether the money should be spent on other venues around the state and so forth. The fact of the matter is that it is going ahead. Having had the opportunity to attend major venues around the world, one of the things I have noticed as an issue is transport. I have spoken before about Lansdowne Road. One of the benefits of that stadium in Dublin, which seats about 70,000, is the train line that goes under the grandstand. I think one of the important things for Lang Park will be to get the transport right so that people can walk from the train to the stadium.

To see how important transport is, people only have to look at Homebush and the system there. It took a lot of getting used to. We are all used to going to a place such as the Sydney Football Stadium, Lang Park or Ballymore, where we can have a beer and walk to the ground. For these modern venues such as Homebush we have to battle with getting into Sydney, getting to Central Station and then getting on the train and getting out to the venue. That is the way things are with big venues now. People have had to adjust. At the end of the night, if you hang around for a function or two, you get into Sydney at 1 o'clock, stand out on the street and cannot get a cab and think you will have to walk to Coogee at 3 o'clock in the morning or something like that. The convenience of transport at these big places is important. With these major events and big venues, it is often the pizzazz that comes to the city and surrounds the event which is important. It is important that visitors can come to the city and spend money in the city but, more importantly, that everyone can experience the overall atmosphere that goes with a particular event.

I had the privilege of going to the World Cup in 1999 at Cardiff. Interestingly, the stadium was virtually in the CBD. If it was likened to Brisbane, it would be next door to the Myer Centre. The whole CBD was closed down. There were about 70,000 at the game and another 90,000 people who were actually there to visit the city. All members would recognise that major venues have the ability to attract tourists and to create a festival atmosphere in an area. I just make those particular comments about Suncorp Metway and the importance of the ancillary facilities. In recent times, the opposition—and particularly my colleague the member for Gregory—has made much of the level of financial accountability in relation to Lang Park and the accuracy of information relating to cost. However, tonight I am directing the discussion to the workability of the project development authority that the government is putting in place.

Acknowledging that this project is going ahead, it will be important for the government to get the matter of ease of access right so that our state does attract those events, so that when people come they want to come back again because it is a bit more convenient than going to Homebush or to the MCG, or because they are able to get quickly into the CBD of Brisbane to enjoy some relaxation before and after the game, and so forth. They are the concerns of the opposition and I particularly ask the minister to address them.

This is a major step and it could well impose some very serious financial burdens on the state if any existing venues or newly acquired venues run at a loss. It may well be that the state will have a cost to bear or will have to subsidise a particular venue. I think everyone who loves sport realises that if we want to provide opportunities for our sportsmen and women to play at any level—whether it is just junior activities such as junior coaching, working through the representative ranks or juniors just enjoying their sport, or whether it is at an elite level—a sporting venue cannot always be run at a profit. We should all be aware of the particular obligations, responsibilities and costs that might be involved in the development of this particular super trust.

Dealing with a local issue, I say that Toowoomba has had a number of sports facilities funded by either the coalition government or the Labor government. The town is appreciative of the funds that have gone to the athletic oval. It is a great place. It has been the venue for many great events over the years, such as some of the great Toowoomba Rugby League games.

Being President of the Rangers Rugby Club, I have some involvement with Gold Park. Ours is one of a number of clubs involved there. Gold Park is a good model in the way that it provides for the Norths Amateur Rugby League Club, the Rangers Rugby Club Seniors—three grades—the Rangers Juniors, the Souths Juniors, the Coolaroo Aussie Rules Club, the Raiders Soccer Club—which has about five grades—and its women's soccer club, and the Raiders Juniors Soccer Club. With all those people playing on just two ovals, it is a good model of a venue that is trying to meet its costs while maintaining a good facility by sharing it with the maximum number of codes, junior and senior, and at the same time trying to help the little sporting club that operates there to run at a bit of a profit. Everyone there has had to hop in and share the lawn mowing, the running of the pie stalls, the maintenance and painting of the fence and the grandstand, and so on, on a rostered system. It is a venue in that city, if it ever makes an application, that is worthy of consideration because of the large number of codes there, junior and senior, and the way in which everybody has hopped in and provided voluntary assistance to get it on its feet.

**Mr Mackenroth** interjected.

**Mr HORAN:** I will put that in the memory bank. That is fair enough. I appreciated the Treasurer listening to some of the discussions we had with regard to the showgrounds, and so on. It may be an issue that John McDonald, the president, and others may have to have some discussions with the Treasurer about in the future. If the minister could answer those particular concerns about the financing, the ongoing costs, the debts, and so forth, we would greatly appreciate it.

**Mr JOHNSON** (Gregory—NPA) (Deputy Leader of the Opposition) (12.26 a.m.): I know the hour is late so I will not take up a lot of the time of the House. One of the issues that should be addressed this evening is the establishment of a Major Sports Facility Authority. I strongly urge the Treasurer and Deputy Premier to watch over this body, because whilst it is a body that is monitoring the ongoing operations of the biggest sporting operations within the confines of Brisbane, we do not want it to become another Queensland Principal Club. I make reference to the QPC tonight because I think it shut its eyes a little bit to the rest of Queensland.

The other thing I will say—the member for Kawana touched on it and also the Leader of the Opposition touched on it this evening—relates to sporting facilities and venues and people who play the sports. When we look at Queensland as a whole, the one thing we tend to look at now is where the big venues are, where the big games are and where the big money is. Most times that is here in Brisbane or on the Gold Coast. While places like Townsville and Cairns get probably some of the big basketball games, that is about the end of the exercise outside of Brisbane.

At this point in time the Treasurer and Deputy Premier should be taking real stock of our sporting promotions right throughout the state. When you look at games like Rugby League, for example, members are well aware of some of the great players who came out of country areas. Those country players did not just come from being blokes in country towns; they started off as juniors in school with junior Rugby League. Whether it is junior Rugby League, junior cricket, junior tennis, junior softball, junior netball, or whatever it may be, those young people, whilst they were identified in the country areas, probably came to the heights of their career by being spotted in those rural areas and were able to achieve their ultimate goals, whether it be here in Brisbane or in Sydney, Melbourne or wherever.

Whilst this new Major Sports Facility Authority has a very specific role in the management of these major sporting operations in Brisbane, I say to the Treasurer that it is something we have to watch very closely. As the Treasurer said in his second reading speech, this legislation does

represent a new era in how the state's major sports facilities are managed, operated, used and promoted. Will this be in conjunction with private enterprise? The explanatory notes state—

> The Authority is authorised to exercise its powers inside or outside Queensland and outside Australia.
>
> The Authority's power to acquire property is limited however, where it seeks to acquire a sports, recreational or entertainment facility for declaration as a major sports facility. In such instances, this power may only be exercised with the prior approval of the Governor in Council.

We certainly know that, and we certainly know that the location of these facilities is a government priority. Tonight, the opposition spokesman for sport, the member for Beaudesert, made reference to other sporting facilities. Queensland is crying out for a major tennis stadium. Even in a remote electorate such as Gregory, many people support these major stadiums. I know that the Milton Tennis Centre has well and truly gone by the wayside. People ask me, 'When are we going to see a major tennis stadium?' I think that this bill is about allowing Queenslanders the opportunity to take advantage of our sporting facilities.

While I am on my feet, I want to touch on Lang Park. I have said it before and I will say it again: I have always been a supporter of the upgrade of Lang Park. I was certainly one of those in the Borbidge cabinet who supported the upgrade of Lang Park, and I know that at the time there were not many of us. As the Leader of the Opposition said tonight, whether we are talking Landsdowne Road or Cardiff Arms Park, the important factor is that people can interface with public transport. I do not say that lightly, because it is also absolutely paramount that when people are getting to and from these venues they take advantage of the businesses that are in close proximity. Lang Park, or even the racecourses in Brisbane, are not far from other entertainment areas. However, the ANZ Stadium is a fair way out of town. When people left that venue, they would go to facilities somewhere else. We have to make absolutely certain that we get a double whammy. For example, South Bank is a magnificent development. People can visit the entertainment centre, the theatre or the library and come back into town after they have visited those facilities. That is what it is all about—getting the planning right and getting the management practices right.

I have raised the issue of competition with private enterprise. Again I will raise the issue of the accumulated losses—or the accumulated profits, for that matter. Do they go into consolidated revenue? Do they going into a program for building new facilities? Are they going towards these facilities? What is the situation? The Treasurer might like to elaborate on that further. I know that throughout the length and breadth of this state people rely on the government to provide better facilities. Will there be a flow-on from these facilities when they are paid off or will we see future upgrades in other areas?

Although I support the stance taken by the opposition spokesman this evening, it is absolutely paramount that we recognise not only the needs of big sporting events and big business in the promotion of these sporting venues in Brisbane, the Gold Coast, the Sunshine Coast, Townsville, Cairns and some of other larger regional centre such as Toowoomba, Mackay, Rockhampton, Bundaberg—

**Mr Rowell:** Quilpie.

**Mr JOHNSON:** Quilpie. We would certainly love to have something there. I can assure the member that we certainly draw a lot of talent from such areas. I urge the Treasurer to watch closely the role of this Major Sports Facilities Authority. I would also ask him to outline the components of that authority.

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (12.33 a.m.): I rise to speak to this bill, perhaps along similar lines to the comments by the member for Gregory. This bill sets up the Major Sports Facilities Authority, which will manage the major venues—particularly in south-east Queensland—currently owned by the state government and also perhaps facilities purchased in the future by the state government.

I want to reiterate that sporting events of national significance can occur and do occur outside the south-east corner. They can also occur in electorates other than, say, Rockhampton or Townsville. In my electorate a small gymnastics association has worked out of a building in Gladstone that has been condemned for years. That association has been winning national championships hand over fist. They are brilliant. The lady who tutors the gymnasts in that association is dedicated, although she is very quick to offer her point of view on the appropriateness of the facility and is wondering how quickly the new multisports facility will be constructed at the PCYC. I acknowledge in this debate that the minister's department has

contributed quite significantly to the redevelopment of the PCYC. I express appreciation to the minister for that.

However, I want to put on the record my concern that, because this Major Sports Facilities Authority is being established, there will be great pressure on the government to expend a significant amount of the sporting budget dollars in the south-east corner. My concern, on behalf of rural and regional Queensland, is that that does not mean that there will be a diminution of the funds available for sporting facilities in rural and regional Queensland. As has been said, many significant sporting people across all disciplines of sport have been sourced from rural and regional Queensland. They need facilities that are appropriately funded and improved so that their prowess can improve and so that appropriate matches can be held outside the south-east corner to minimise travel by often junior sporting people.

I seek the minister's clarification on a couple of issues. Will the expenditure of the authority be available to the public for scrutiny? Will the debt level of the authority and the income level of the authority be available on the public record, or will members of the community gain access to this information only by FOI applications which, given that they are charged on the basis of time, could be quite expensive and out of the reach of interested people? As I said, we have people in sporting organisations—not only in my electorate but also in many other electorates—who compete at a national standard. They require facilities in rural and regional Queensland that are accessible. I seek the minister's assurance that funding available to rural and regional Queensland will not be diminished because of the establishment of this authority.

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (12.36 a.m.), in reply: I thank all members for their contributions to the debate. I would have to say that last night at the sports awards someone told me that the opposition would support this bill when it was debated in the parliament this week. I was quite happy to have a bet that the opposition would not support it. If I had, I would have lost. Obviously, the person who was talking to me had spoken to one of the members of the opposition, who must have told him. I have to say that I was a doubting Thomas.

The member for Gladstone raised the issue of the accounts of the Major Sports Facilities Authority. The accounts will be audited by the Auditor-General and will be available in the annual report, as is the case now with the Lang Park Trust and the Gabba Trust. The accounts of both of those organisations are audited and are available in the annual report for all to see.

The member for Gregory and the member for Gladstone raised the issue of funding for sports facilities. The member for Gladstone also raised the issue of national competitions being able to be held in places outside the south-east corner. My department has a National Standards Sports Facilities Fund, which is available so that organisations can apply for financial assistance to provide facilities that can be put into major regional areas to enable major national standard competitions to be held. Two that come to mind are the running tracks in Townsville and Cairns. The one in Townsville has just been completed at the sports reserve and the one at Barlow Park in Cairns is just about completed. They are national standard facilities that have been provided through my department to enable national competitions to be held in those areas. That fund will continue.

The usual funds that are available through the Department of Sport to the minor sports facilities through the Major Sports Facilities Fund and the national standards fund that I have just mentioned—all of those funds will still be available for all sporting groups to access, whether they be the small sporting clubs or the larger clubs or councils. So the establishment of this authority will in no way affect the running of those funds and the access that will be available to sports groups throughout the state.

I refer to the issue raised by the member for Beaudesert and the Leader of the Opposition in relation, firstly, to the debt currently held by the Lang Park Trust on Suncorp Metway Stadium and what will happen in relation to that. I stated already in this parliament—and I will put it on record now—that the Major Sports Facilities Authority will separate the accounts so that one will be able to see where the revenue and debts are and how the different stadia are operating. That will be there and that will be available. Nothing will be hidden in relation to that.

The Leader of the Opposition raised the issue of what is happening with the Brisbane City Council, and an announcement has been made in that we are negotiating with the Brisbane City Council in relation to taking over three stadia to which the member referred—ANZ, the Sleeman Centre and Boondall. At this stage, we are going through a process of looking at the accounts of those stadiums, the way that they are operating and the way that they have operated. Q-Build is

presently doing a maintenance audit for us in relation to the condition of those facilities and what is the likely need for expenditure in the future on maintenance. All of that is being done to enable us to make a decision in relation to the state taking the responsibility from the Brisbane City Council for those facilities. We would take those three facilities because we see them as being available for the state and not simply for the citizens of Brisbane. They are facilities that are used by the state. If the Major Sports Facilities Authority takes over the running of ANZ Stadium when Suncorp Metway is rebuilt, obviously the Broncos will transfer from that stadium to Suncorp Metway. It would make sense to have them there, and that is what we intend to do.

But we need then to look at what is happening at ANZ Stadium. One of the matters about which I am concerned is that we do need a good state athletic centre in this state. We do not want to see a repeat of what happened out there before, where a major track was ripped up basically so that a horse could run around. We do not want to see that. We want to see the new track that the government—not the council—paid for at ANZ for the Goodwill Games maintained so that we do have a good national standard state track that can be used by the state and by the Optus Grand Prix as it was this year. They are able to have those facilities.

How will we get the optimum value out of that facility? One of the things the government is considering now is in fact moving the Queensland Academy of Sport from its rented premises at South Bank to ANZ Stadium. We are able to bring the Academy of Sport to a major sporting facility and make that the home of the Queensland Academy of Sport, which will truly make it a state centre. Then we can look at what needs to be done to upgrade it. Sure, we will have to spend some money to make it a great centre where we can bring kids in from country areas and train them. They will be able to come to a place where there are really good facilities and where our Queensland academy will be able to grow. The academy now is 10 years old. Some 650 athletes are a part of the Queensland academy, with the main academy established in Brisbane and another in Townsville.

We are just looking now at what is the best way to expand that regionalisation—and I don't mean by putting a centre into each town—and how we can best get to the sportspeople to whom the member for Gregory mentioned when referring to the fact that there are really good young athletes in country areas. I know that just recently we added a young cricketer from Charleville to the Queensland Academy of Sport Youngsters Team. We were able to pick up those young people, give them some extra training and help them move along. By having one authority looking after our major facilities, I think we will be able to come up with the best way to utilise them.

The member for Beaudesert referred to the authority making the decision as to where different events could go. In relation to what facilities we will have, the Lions can play only at the Gabba because it is the only facility with an oval big enough. The Broncos and the State of Origin team will play at Suncorp Metway because it is a rectangular field. There is no way one could put them on a round field. They are the sorts of things that just make sense. It is not a case of competing or doing anything else. In relation to concerts—we cannot hold concerts at Suncorp Metway, so that will not be a problem. So that is what we need to do and what we need to look at.

I refer to the issue of transport at Suncorp Metway. The bus station is in fact underneath the southern plaza. So there is a bus station there which people will be able to access. Buses will be able to come in and then have priority access out to enable them to move away very quickly. There will be walkways to take people to Milton station or to Roma Street. To areas both east and west, people will be able to walk relatively short distances to get to a train station. So there is that ability.

One of the things that always amazes me in the debate about transport and the Suncorp Metway Stadium is that nobody ever questions the issue of transport to, parking at and accessibility of the Gabba. There are parking restrictions there so that one cannot park anywhere near the stadium. There is no train line anywhere near the Gabba. There is a bus station which is across the other side of the road. From the eastern end of the Gabba, about the same distance away as the station would be, there is a bus station. Suncorp Metway is much closer to the city than the Gabba, and the ability for people to park their cars in parking stations and walk will be there, but nobody ever questions it. They say, 'Isn't it great the way the Gabba works? It's great the way the crowd gets away so quickly.' But as soon as one moves on to Suncorp Metway, people talk about it being a disaster. I do not see how that can be so.

I thank the opposition for its support of this legislation. I know that those opposite have concerns in relation to the way in which the authority is going to be established and the way in which it will work. We will be establishing a new authority reasonably quickly. Once it is established those opposite will receive the annual reports and they will see the way in which the reporting is done. They will be clearly able to see what is done and what is not done. Just remember this: if the Gabba was so profitable would we have that big gap?

Motion agreed to.

## ADJOURNMENT

**Hon. T. M. MACKENROTH** (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (12.50 a.m.): I move—

That the House do now adjourn.

### Coolum Police Station

**Miss SIMPSON** (Maroochydore—NPA) (12.50 a.m.): Coolum and the greater Coolum area need a new police station. The existing one is stuck in an out-of-the-way area and is not worthy of being a permanent police base for the area, particularly now that there are more people living between Peregian and the Maroochy North Shore than in Nambour. I am urging the state government to demonstrate its commitment to the Sunshine Coast by putting the Coolum and the greater Coolum area on its capital works program and building a new police station.

I would also like to see a community-based police house in the Maroochy North Shore area to improve the overall police presence. Visibility of police in the community is important for the obvious reasons of safety and crime prevention. It also improves the flow of information from the public and strengthens the working relationships between the community and the police service. I strongly believe that we need more community-based and highly visible police stations in our communities. I call on the state government to act now and identify a site for a new police station for the Coolum and greater Coolum area which is highly visible and on a main road. It should be built and it should be well resourced and well staffed to meet the demands of this high growth area.

While talking about issues of crime prevention, I wish to commend to the House the efforts of the Mooloolaba Safe Group which has been very effective and which has won awards for its efforts. It has received some government funding. It has been an example of how partnerships in the community can be effective in addressing issues of street safety. It is a good example of being proactive in addressing these issues for the future. I commend it as a model. I also commend those who participate in this group and who have given of their time voluntarily. There has been good cooperation between licensees, property owners, the police, local government, transport operators such as taxi drivers and bus drivers and many other people. They have made this effort very effective and very worth while. This type of cooperative partnership is a good example for other communities which are trying to make their communities safer. I thank those who have participated in this area for their work.

We also have the excellent Street Angels organisation. This organisation previously worked on the streets of Mooloolaba and has now extended its operations to Noosa. It is trying to help some of the young people reach the age of wisdom and protect them during that stage. These are young people who are out looking for a good time, but they are not always wise in some of their choices. The Street Angels have been excellent in their attempts to give these young people some protection on the streets and take them to places of safety.

### Springwood Ambulance Station

**Ms STONE** (Springwood—ALP) (12.53 a.m.): It is with great regret that again I have to rise in the House to talk about the ignorance and inadequacy of councillors in my electorate. At the last sitting I spoke about the Logan City Council sending out consultants out to investigate charging rental and operating costs on those who can least afford it, namely, community groups who use council facilities in Logan.

Today, I rise to tell of the scare tactics of Councillor Tom Sandmann. He is creating fear amongst the sick, amongst the people with disabilities and amongst the mums and dads of the Springwood electorate. He is scaring people by not telling them the truth about the plans for the

ambulance service for Springwood residents. Volunteers built the current ambulance station in 1978. Like the rest of the people of Springwood, I am very grateful to those people for building and equipping the original station. They should be proud that the station has served the community well.

Because of the growth and development of the Springwood area since 1978, the station can no longer meet the top-quality service that it has provided to the community for such a long time. It cannot meet the working standards that the ambulance officers deserve. Instead, it is time to upgrade the service for the area. Traffic density, the proposed Springwood bus interchange and the growth of this corridor has impacted on the ambulance service in the Springwood area. I am proud to report that a new station will be built within a three kilometre range from the existing station, and Rochedale South has been identified as being the best location to meet improved response times in Springwood and the surrounding suburbs. Investigations are under way within the Rochedale South area to locate a suitable site.

This decision was not just plucked out of thin air. People who know best—the community in consultation with the QAS—strategically developed it. It was a decision that involved consultation with Councillor Sandmann, other local government representatives and the local ambulance committee. The people of Springwood and surrounding suburbs are not just serviced by the Springwood ambulance station. Ambulance crews from Woodridge and Eagleby will continue to service the Springwood area when they are needed. Councillor Sandmann has ignored the decisions by the community and wants to put lives at risk. He does not want the people of Springwood to have best quality service available to them; nor does he want the ambulance officers to have upgraded facilities and the resources they deserve. It is an absolute shame. Instead, he would rather start a mendacious campaign.

As the state member for Springwood, I want the people to know the truth. The truth is that this new ambulance station is in the best interests of all of the community. This government is committed to providing the best ambulance service to the people of Springwood. Councillor Sandmann is an active member of the Liberal Party, but he parades as an Independent and is putting politics before the interests of the Springwood community.

## PCYC Volunteers

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (12.56 a.m.): I rise to commend a group of hardworking people in my electorate. The International Year of the Volunteer has been a wonderful showcase for hundreds of people in our electorates who work tirelessly to improve the lot of others. I am a member of the local PCYC committee. It is chaired by Tony Frazer and the officer-in-charge who is assigned to the PCYC is Sharon Noy. The list of people on the committee is probably too long to put on the record at the moment. These committee members work very hard to ensure the continuation of the services offered by the PCYC.

There was a function on Saturday night at the PCYC premises. It was organised by the International Year of the Volunteer committee for the Gladstone-Calliope region. It was the occasion of the distribution of awards for organisations which have contributed exceptionally to our community. For quite a long time the PCYC has been involved in discussions with government and with the PCYC head office and council with regard to redevelopment of the site. As I said in the previous debate tonight, the department has contributed significantly to the redevelopment, which is going to cost about $3.5 million. The redevelopment will accommodate quite a number of sporting facilities, one of which is the gymnastics organisation which has been operating in an unacceptable venue for a long time.

The problem faced by the PCYC management—and particularly Sharon Noy, the OIC—is that it has been very difficult to get information about the progress of the redevelopment. The money has been allocated and it is available for the redevelopment. However, approaches to the manager of the PCYC, Inspector Page, have been unsuccessful. Staff and volunteers at the PCYC are in the dark with regard to knowing when the club will be closing for the redevelopment. It is not known whether parts of the premises will be able to operate during the process of redevelopment. It is not known if some people will have a job as a result of the lack of space available.

More importantly, this lack of information has diminished the ability of the PCYC to ensure that bookings are made which bring in income to the facility. Bookings for functions for the next few months have been impeded. No one knows whether there will be a facility for weddings, for engagements or for birthday parties. It means that the club's income has been significantly

affected. These remarks do not amount to a criticism of the minister responsible because the department has been forthcoming. It just appears to be a bottleneck within the management of the PCYC. Not only myself, but others have approached the organisation for information and, to date, it has not been available. It is a good redevelopment and it will certainly benefit our community.

## Death of Mrs L. F. G. Burton

**Mrs DESLEY SCOTT** (Woodridge—ALP) (12.59 a.m.): It is with regret that I report to this House the recent death of Fran Burton, life member of the ALP and lifelong partner of Bill Burton, who served for many years on Clem Jones' Brisbane City Council. Lucy Francis Grace Burton passed away peacefully following an extended illness on 10 November 2001 aged 79. Fran, as she was known to her family and friends, was born in Ballina in New South Wales to Alfred and Kate Stone and was the eldest of six children in their close-knit family. The Stone family trace their history back to John Grono, who arrived on our shores in 1792 aboard the sailing ship *Buffalo*. He was a shipbuilder on the Hawkesbury River and explorer of the South Island of New Zealand. He was also known as a friend of Governor Bligh. So Fran's forebears were amongst our earliest settlers.

Fran lived a happy childhood and grew up seeking people in need whom she could help. In 1942 she joined the Women's Royal Australian Air Force and was stationed at Oakey on the Darling Downs where she serviced Spitfire carburettors and packed parachutes for delivery to New Guinea. In 1946 Fran met and fell in love with Bill Burton, who also served this country in the RAAF. They married and theirs was to be a marriage of lifelong devotion and commitment to each other and to their family of four children, 11 grandchildren and nine great-grandchildren. Fran's service to her community saw her active on committees of schools, pensioner groups and organisations such as the Xavier Home for Disabled Children. When Bill was elected to the Greenslopes ward of the Brisbane City Council, Fran became a valued member of the Lady Mayoress's Committee. Through the 1960s and 1970s both Bill and Fran served their city in many and varied ways. Bill recently recalled the 1974 floods, when our communities were called on to do extraordinary things. They were there for their community.

Last year Fran was granted life membership of the ALP, the party she loved and served for much of her adult life. Fran was ever a kind, gracious lady and this was reflected in everything she did. She offered a helping hand to others wherever she went. In recent years, Fran and Bill had gained great pleasure from their flower garden. Bill had planted a beautiful rose garden, and having her home always fragrant with fresh flowers was one of Fran's great delights—a constant symbol of the love Bill and Fran shared. In recent weeks as Fran's health and strength faded, I witnessed two people who had lived their lives devoted to each other with no regrets spending precious hours together. She graciously accepted that her time had come and treasured the time spent with her family. You were much loved and will be sorely missed, Fran, by your family and friends and by those you touched with your kindness.

## Herbert River Aerodrome

**Mr ROWELL** (Hinchinbrook—NPA) (1.03 a.m.): The Herbert River aerodrome recently completed a program to upgrade the area's aircraft take-off and landing facilities. A 1.8 metre fence has been erected around the perimeter of the aerodrome to prevent wallaby strikes and lighting has just been installed to allow night-time take-off and landing operations. In total, more than $100,000 has been spent on the aerodrome project, with the local ambulance committee contributing $20,000, the state government contributing $55,000 and the Hinchinbrook Shire Council contributing the balance.

The steps taken by the Hinchinbrook Shire Council, the various committees in the project and the residents of the Herbert River district will prove to be a positive step in increasing industry in the area. These steps also indicate the level of local support for new and updated industries in the Herbert River district. An increased opportunity now exists for aircraft activities such as maintenance in the aerodrome area, which can now be classed as an all-weather facility. Further increased opportunities exist for fly in, fly out operations to take place to and from Ingham for the likes of transporting mine employees and to boost tourism exposure to the area. This improves the prospects of a more permanently based charter flight operator to the area.

There is one particular fishing charter operator in the Herbert River district that injects revenue into the Herbert River shire by attracting up to 450 tourists per annum. Now that the aerodrome's facility has improved to such an extent, the promise of additional tourist dollars coming into the district is encouraging. When looking into the prospects of medical emergencies and evacuations during cyclones and inclement weather, the improved facilities at the aerodrome will most certainly benefit not only residents of the Herbert River district but also holiday-makers and people in the surrounding districts. Increased opportunities now exist for industry seminars to take place in the area. The Herbert River and surrounding districts are large primary producing areas producing sugarcane, lychees, beef and seafood—all of which provide perfect backdrops for industry representatives to meet to view and discuss their respective industries. All of these possibilities have come to the forefront due to the foresight and vision of the Hinchinbrook Shire Council and the residents of the Hinchinbrook shire. I congratulate them on taking the first steps to increasing opportunities within their district and fully support them in their hopes to provide improved prospects for their district.

## Kidz Kafe, Redbank State School

**Mrs MILLER** (Bundamba—ALP) (1.06 a.m.): Last week I had the honour of opening the Kidz Kafe at Redbank State School. The cafe was an initiative of last year's grade 7 students and was continued by this year's grade 7s, and they should be congratulated for their efforts. The cafe is a partnership between the school, its students and the P&C, as well as local businesses such as Claypave Landscapers, Queensland Rail and state government departments including the Health Department and State Development. The Kidz Kafe operates on non-tuckshop days and costs $2 for a nutritionally balanced meal. The cafe strives to make 50c profit from each meal, which is then reinvested in the business venture.

The cafe has been built on a great site at the school. The pavers were fired at low cost by Claypave following a great community effort of sculpting, painting and decorating them. I remember being at Redbank State School one Saturday morning decorating pavers as the local member and friend of the school, as did the local police officer and many other community members. These pavers are laid in the cafe and are a real work of art. Claypave should be congratulated for its continued community spirit and good corporate citizenship. People all over my electorate know of this company's generosity, particularly the suburb of Ebbw Vale, where the secret garden continues to grow each year and the annual Arbor Day is celebrated by a barbecue sponsored by the company. The Redbank State School community is greatly appreciative of Claypave's effort.

Furthermore, I must mention the support of Queensland Rail for the Kidz Kafe project. QR supplied the shade sails to the school to protect the children from sun exposure, and it supplied them in the school colours of yellow and blue. The Minister for Transport and QR management should be aware that two employees of QR at the Redbank railway workshops deserve a pat on the back for their community efforts in my electorate. Ian Fenton and John Marsh are the faces of QR in our community and they do a fantastic job. Nothing is too much for them and their attitude of caring, kindness and empathy are greatly appreciated by me personally and by the many schools and community groups in the electorate of Bundamba.

On Saturday I attended the dedication ceremony of the war memorial at the Redbank railway workshops. I hope that this will be a real beginning of a partnership between the workshops, the workers, the unions and management of our local Redbank and Goodna sub-branches. Bill Bowtell, a greatly respected local citizen and veteran, unveiled the memorial. I understand that the workshops are planning an Anzac Day service next year and that they will support our community in the 2002 RSL Girl in a Million contest. There were two gate collections this year to support our current entrant and I know that Vivian Stanbury on behalf of that entrant was appreciative of the funds that were raised. The workshops also contribute to other worthy causes, including the Leukemia Foundation. I salute them for their continued commitment to our community. Finally, I congratulate all members of our community who are celebrating Christmas by erecting Christmas lights in their front yards for the benefit of our community. They are doing a fantastic job.

## Volunteers, Tablelands Electorate

**Ms LEE LONG** (Tablelands—ONP) (1.09 a.m.): As the Year of the Volunteer draws to a close, it was my pleasure to acknowledge some of the local tablelands volunteers at a function on

Saturday, 27 October 2001. It goes without saying that no region, large or small, can survive without them. Volunteers help in all kinds of manner. Some help singularly while others work in teams. The awards we presented were to those who were nominated because they were recognised for their service to the community over and above the call of duty.

We are fortunate in the tablelands area to have a large number of very dedicated people who are always there to help out in times of need, and the needy are always there, whether it be a sporting team, the elderly, the disabled, fighting a fire—the list goes on; it is a part of life. A number of group nominations were received, including the Atherton Neighbourhood Centre, the Filipino Australian Society of the Tablelands, Meals on Wheels, Railco Atherton, Herberton and Ravenshoe, Ravenshoe Visitors Centre and the QCWA Yungaburra and Atherton branches.

There were numerous nominations for personal volunteering. The selection committee chose 20 of these nominees to receive medallions. I would like to mention just a couple of outstanding people in this group. Mrs Marjory Hamilton has dedicated 40 years to supporting the tablelands scouting movement. At 73 years of age, she is still very active and holds various positions within the scouting movement. She is on the management committee of the Barrabadeen scout camp site. Marj assists the group leader and support committee for any events held under the district commissioner's direction and is an adviser on scouting matters for the tablelands district. She is also acknowledged for her huge contribution to horticulture in the tablelands area. Marj Hamilton is most worthy of recognition.

Another of our well-known local identities is Des Day. Although a wheelchair-bound quadriplegic for some 30 years, Des does an enormous amount of volunteer work. Most of the local community probably has visited Des's shed at some time. He has been involved with Atherton Lions Club for 18 years and is also on the management committee of Tablelands Job Training. Des is a consumer adviser with the Far North Queensland Rural Division of General Practice; he is a repairer of equipment for the Mobility Assistance Support Scheme; he facilitates for the Para Quad Association; and he is a consumer adviser for patient early discharge at the Tablelands District Health Service. This man's door is always open to everyone, whether to give a helping hand or to lend a sympathetic ear to the woes of the day.

People attended the award presentation night from many and various organisations, including the Rocky Creek War Memorial Group, service clubs in the district and individuals who all give their time willingly to advance the cause of goodwill in their respective towns.

We all admire our volunteers. The fact that this year, 2001, the first year of the new millennium, has been made the International Year of the Volunteer has made this an ideal time for recognition of all our helpers. I am pleased to have been associated with honouring these people in my role as the member for Tablelands.

## Beachmere Primary School, Visit to Parliament House

**Mrs CARRYN SULLIVAN** (Pumicestone—ALP) (1.12 a.m.): On Wednesday, 31 November I had the privilege of escorting Year 5F from the Beachmere State Primary School in the electorate of Pumicestone on a tour of Parliament House. The children were accompanied by their teacher, Danette Flick, and parents Jacqueline Baker, Tracey Keeling and Bev Burgess. All were transported to and from parliament in the safe hands of Ralf Bonnick.

The excursion proved very productive. The day began with a tour of the old upper house chamber organised by Pat Kane, and the tour guide was Leo Scanlon, followed by morning tea kindly organised by the parliamentary catering staff. I joined the tour at 11.30 and led the group on the second part of the tour, which included a visit to the gallery, level 5 meeting rooms, level 7, where they enjoyed a view of South Bank, and offices on level 13. The children took a keen interest in the increased number of women in parliament and found it amusing when informed that the women parliamentarians on level 13 have taken over the male toilets as they were much bigger and had access to a large mirror, which the men seldom used.

I found the children were genuinely interested in the history of this place and asked many interesting and valid questions. Miss Flick had prepared a small booklet for her class to gather relevant information as the tour proceeded, and they left the building with a wealth of factual information and drawings.

The class was greeted by the Minister for Education, the Honourable Anna Bligh, who took the time to stop and chat with the children about their school and the local area. The Honourable Henry Palaszczuk also added some words of wisdom before the children signed the visitors' book

and departed for South Bank aboard the ferry for lunch. As the class was departing, a number of children asked if the Premier could sign their information booklet, but since time did not permit, I suggested that I would send them something with his signature on it, which I have since done.

I would like to place on record the names of the Year 5F students: Zoe MacLean, Nick Hackett, Len Kettleton, Aaron Turner, William Rees, Josh Breedon, Christopher Ferris, Aaron Justice, Sarah Wigzell, Ashleigh Heywood, Kristi Nicholls, Jade Cashe, Adam Dowse, Lachlan Buttifant, Glenn Crimmin, Jessica Graham, Ashleigh Waldron, Jasmine Rendell, Matt Daniels and Ben Burgess. It was my pleasure to escort such a great group around the parliament, and I hope they enjoyed the experience as much as I did.

## Toowoomba Gardens

**Mr COPELAND** (Cunningham—NPA) (1.14 a.m.): Toowoomba is well known throughout Queensland, Australia and even internationally as the Garden City, and this week it took a step towards enhancing that reputation with the opening of the State Rose Garden in Newtown Park, which I was very happy to be able to attend. The gardens throughout the city of Toowoomba are absolutely fantastic, and the Carnival of Flowers, which is one of the nation's most well-known and successful festivals, and Queensland's longest-running continuous festival, has certainly built on that reputation. The Toowoomba City Council has done a fantastic job and the Toowoomba City Council gardeners are unbelievable in the work that they undertake to make sure that not only the gardens but also the streetscapes in Toowoomba are beautiful throughout the year, and especially so in September, when the Carnival of Flowers is on.

The State Rose Garden has been the culmination of a long-held dream of a number of people who have pushed very hard for its construction; most importantly, John and Glenda Orford, who have put a mountain of their own time, effort and money into creating it, including going overseas to get ideas and concepts to bring back and introduce. The other couple who have been significant drivers behind the project are Councillor Regina Albion and her husband, John. Councillor Albion was given the task by the Toowoomba City Council of managing the project, and she has done a fantastic job of coordinating it. Tribute should also be paid to the current Toowoomba City Council and Mayor Dianne Thorley as well as the previous Toowoomba City Council and Mayor Tony Bourke, who initiated the project.

The project has been assisted by a grant of $17,500 from the Queensland Heritage Trails Network Cultural Tourism Project. The Toowoomba City Council contributed $100,000, and citizens generously donated their time, money, machinery and in-kind materials, which were used to create the infrastructure at Newtown Park, which is a very historic park in Toowoomba on the western suburbs of town. The entry pavilion was built by Downs Group Training with two major donations. There will be continual yearly improvements that will enhance this park and Toowoomba's Garden City image.

I must mention that the Quarry Gardens project also saw a significant step along the path to its creation. It is a visionary project in an old quarry overlooking the Lockyer Valley. The Minister for State Development handed over the deeds to that land to the Toowoomba City Council, and that is the first step in what will be an absolutely first-class tourist destination not only for Queensland and Australia but also internationally. It will rival the Butchart Gardens in Canada, which are internationally renowned. The location of the Quarry Gardens is unsurpassed, and it will really be a major tourist destination for everyone, not just those who are interested in gardening.

## Noosa River

**Ms MOLLOY** (Noosa—ALP) (1.17 a.m.): Noosa River enjoys an A-minus rating. This in part is due to the pristine environment of the upper reaches of the Mary River. The community of the Noosa electorate is committed to protecting this beautiful river for future generations. To this end, NICA has been formed, the Noosa Integrated Catchment Association. Comprising 22 community groups, the EPA, Noosa council, the tourist industry, the commercial and recreational fishers and environmental groups, NICA has set out a plan that intends to protect and restore riparian vegetation, management of land use and fisheries to sustain them for the future, to stop polluting gutters and drains and reduce boat wash damage. NICA is committed to protecting this glorious natural asset. It hopes to achieve this end by education versus capital works. This community believes these are achievable goals. I am very proud to be in a position to support this great community initiative. Keep it clean and keep it green.

I was honoured to be invited to the launch of the plan. Noosa is what it is today because of the community which protects it from the get-rich-quick merchants. Some of the groups who attended the evening were Noosa Parks Association, Dr Michael Gloster, Mrs Stephanie Haslam, who hosted the evening, Ben McMullen from Noosa council, Mayor Bob Abbott, Darryl Fry from SCEC, Paul Summers from Landcare, Barry Craig from Rural Futures, Barbara Carseldine and councillors Vivien Griffin and June Colley to mention a few.

Trevor Cleary, representing the commercial fishermen, put up a great display of a bycatch net to show how our commercial fishermen are helping to sustain fish stocks. Thank you, Trevor, for your contribution. Also, Peter Baulch of North Arm, who has an aquarium business, went to the trouble of setting up a display for viewing of Noosa River fish. Thank you, Peter. The Noosa Library was a wonderful venue, as it is always, and we could not put on these great evenings without the library's continued support and involvement in the community. Therefore, thanks to Maureen O'Shea. Maureen, you are a gem.

Noosa is not short on hospitality and recently staged the Noosa triathlon. It was a fun-packed event which all the family could enjoy. With Max Pettigrove on water safety, a group of swimmers from Sunshine Beach Surf Club—Jan Lilleywhite, Phil and Jenny Stephens, Terry Colve, Cynthia and others, along with Ivan and me—all entered the Eyeline 1,000. We did it. What a feeling! The children of the electorate were also able to do their kids triathlon in Noosa Woods on the Saturday morning. My Bonnie and young friend Max had a great day, along with a couple of hundred other children. They were all winners. The adults triathlon was spectacular.

I would like to congratulate United Sports Marketing's Garth Proud and Nick and Donna Croft for their role in staging this world-class event. It is truly a special event when the host community can participate and compete. Congratulations, too, to Noosa-Tewantin Lions, Rotary, Sunshine Beach Surf Club, our local police and ambos and other emergency service people for being there and for their wonderful volunteer services. The event went off smoothly, with only minor disturbances reported. This in itself is a compliment to our community and visitors, especially when spirits are high. I would like to thank my parliamentary colleague Peta-Kaye Croft and her husband for supporting the event by joining us. On the topic of volunteers, congratulations to all surf-lifesavers who have gained proficiency again this season to make our state's beaches safe places to swim.

The House adjourned at 1.21 a.m. (Wednesday)