TUESDAY, 17 SEPTEMBER 2002

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

ASSENT TO BILLS

GOVERNMENT HOUSE
QUEENSLAND

12 September 2002

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 12 September 2002:

"A Bill for an Act to amend the Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Keno Act 1996, Lotteries Act 1997 and Wagering Act 1998, and for other purposes"

"A Bill for an Act to amend the Drug Rehabilitation (Court Diversion) Act 2000 to facilitate a drug court pilot program in North Queensland, and for other purposes"

"A Bill for an Act about electrical safety, and for other purposes".

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

VACANCY IN SENATE OF COMMONWEALTH OF AUSTRALIA

Mr SPEAKER: Honourable members, I have to report that His Excellency the Governor has been informed by the Governor-General of the Commonwealth of Australia of the resignation of Senator John Herron as follows—

5 September 2002

His Excellency the Right Reverend Dr Peter Hollingworth AC, OBE
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency,

Section 19 of the Constitution provides—

> "A senator may, by writing addressed to the President, or to the Governor-General if there is no President or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant."

As the President of the Senate is absent from the Commonwealth, I address my resignation to you.

I resign my place as a Senator for the State of Queensland, pursuant to section 19 of the Constitution of the Commonwealth of Australia.

Yours sincerely

(sgd)

JOHN HERRON

Mr SPEAKER: Standing order 331 provides that within 14 days after parliament has received notification of a casual vacancy in the Senate the Speaker shall summon every member to meet for the purpose of electing a senator as required by section 15 of the Commonwealth of Australia Constitution Act. I understand, however, that the Liberal Party preselection will not be completed within that time frame and therefore the meeting will need to be postponed to a later date.

OFFICE OF THE GOVERNOR

Annual Report

Mr SPEAKER: Order! Honourable members, I lay upon the table of the House the annual report of the Office of the Governor for 2001-02.

MOTION OF CONDOLENCE

Deaths of Mr G. P. Scassola, MP, and Mr H. B. Lowes, MP

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.34 a.m.), by leave, without notice: I move—

1. That this House desires to place on record its appreciation of the services rendered to this state by the late Guelfi Paul Scassola and Harold Bertram Lowes, former members of the parliament of Queensland.
2. That Mr Speaker be requested to convey to the families of the deceased gentlemen the above resolution, together with an expression of the sympathy and sorrow of the members of the parliament of Queensland for the loss they have sustained.

Guelfi Paul Scassola was born in Innisfail on 19 April 1940. He was educated at the Silkwood State and Silkwood Convent Schools, St Stephen's School in Brisbane, St Patrick's School at Coorparoo, Kangaroo Point State and Brisbane State High Schools, and the University of Queensland, where he gained a Bachelor of Laws degree in 1963. Mr Scassola was elected to the seat of Mount Gravatt in the state election on 12 November 1977 and held the seat until 22 October 1983. He was elected at a time when his seat was in the throes of significant developments, including preparations for the 1982 Commonwealth Games at the QEII Sports Centre, the construction of the QEII Hospital and the extension of the South East Freeway.

In his first speech on 4 April 1978, Mr Scassola addressed the issue of educational rights and provision of state education for children with an intellectual disability. Throughout his parliamentary career he participated in a number of committees, including the Select Committee on Subordinate Legislation, the Parliamentary Printing Committee, the Australian Constitutional Convention and the Joint Parties Committee on Unemployment. Mr Scassola held various offices within the Liberal Party from 1964 onwards, including State Vice-President of the Queensland Liberal Party and member of the Liberal Party federal council. He was Vice-President of the Queensland branch of the Australian Cricket Society, President of the Brisbane Metropolitan Lions Club, foundation president of the Down Syndrome Association and a member of various community organisations. Mr Scassola is survived by his wife Denise, mother Dorina, children Mark and David, stepchildren Susan and John, grandchildren Samantha and Sara and sister Betty. I extend my sympathy and that of this House to his family. We wish them well. We know it is a very difficult time, but we would wish our thoughts to be with them at this time.

Mr Harold Bertram Lowes was born on 1 October 1926 in Brisbane. Mr Lowes was educated at the Brisbane Church of England Grammar School and the Townsville Grammar School, his family having moved around the state with his father's work for the Queensland Department of Health. Between 1945 and 1946 Mr Lowes served with the Australian Imperial Force following World War II, rising to the rank of lieutenant, and continued military service with the Citizen Military Forces, now known as the Army Reserve, between 1948 and 1952. It was during this time that Mr Lowes began his legal career, completing his articles with Wilson Grose and Ryan in Townsville and the Solicitors Board course before being admitted as a solicitor in 1952. While he initially moved to Darwin to practise, Mr Lowes returned to Brisbane after a couple of years.

Mr Lowes was elected to the seat of Brisbane in the state election on 7 December 1974. You might recall, Mr Speaker, that that was a very momentous election not just for Mr Lowes but for the Labor Party. We went to a position of 11 seats. I think we had 33 and we went to 11. It was a very significant day for not just Mr Lowes but the Liberal Party and the coalition. We all obviously remember those days with different reflections. The Liberal Party sees them as the golden days; we see them as the dark days. But that should not in any way be a reflection on the cricket team we had or Mr Lowes, who was elected at that time. I recall them very well. I was the campaign director in a seat called Ithaca—before some members were born, by the way.

Mr Mulherin: Frank Gilbert.

Mr BEATTIE: Frank Gilbert was the candidate; that is right. The member for Mackay would know, because he now lives in his electorate. We did not win, but we do hold that seat now with the member for Mount Coot-tha, the Health Minister. So things have improved since then. But I remember those days very well. I also remember Mr Lowes because his seat of Brisbane, as it

was then, significantly covers my current seat of Brisbane Central, so he was one of my predecessors in this parliament. From that point of view, I want to acknowledge his service. Given his service to the country through his participation in the armed services, it is not surprising that in his maiden speech to the Legislative Assembly on 20 March 1975 Mr Lowes addressed the issue of representing his electorate. In his speech, Mr Lowes stated that it was his intention—in fact, his duty—to give active and effective representation. This is something worth remembering by all current and future members of this House.

Indeed the family has served Queensland over many years. Mr Lowes's grandfather, William Bertram, was elected as a member of the Legislative Assembly from 1912 to 1929 for the seat of Maree. During his term Mr Bertram held the additional offices of Chairman of Committees from 1916 to 1920, and he was one of your predecessors, Mr Speaker. He was Speaker of the Queensland parliament from 1920 to 1929.

Mr Lowes held the seat of Brisbane until 12 November 1977, when he returned to his legal practice. He lost his seat at the time that Mr Scassola was elected to the parliament, so it was an interesting handover. He continued to represent the interests of people through his professional career in both the private and public sector, including serving as a board member and later chairman of the North Brisbane Hospital Board.

I extend my sympathy and that of this House to his family—to his wife, Maureen, and to his children Geoffrey, John, Gerd, Suzie, Jane and Charlie and families.

While I pay special tribute to two former honourable members, it would be remiss of me on an occasion like this if I did not make some reference to another distinguished Queenslander who passed away quite tragically, and that is George Pippos. The Tourism Minister will have something to say about this later today or tomorrow as she represented the government at Mr Pippos's funeral, as did my parliamentary secretary, Darryl Briskey. I want to say a couple of things about George because I knew him well, and I know he was a very close friend of the honourable member for Ashgrove, Jim Fouras, and it is important to place on record my sympathy to his family.

George's great story is one of tireless support for the Greek community, passion for Rugby, the hotel industry and the backing of a great racehorse. The much-loved horseracing and Rugby identity built a hotel empire out of the deeds of the great Gunsynd. George, who was the son of a Greek cafe owner from Dirranbandi, won our hearts as part owner of the great Gunsynd, bought for just $1,300 in 1969. The 'Goondiwindi Grey' became a cult hero to racegoers and won more than $280,000. You have to look at that in its current time, when it would have been worth a lot more money. George's commitment to the Greek community rightly earned him the Order of Australia medal in 1985.

In a fitting tribute, Australian Rugby Union chairman Bob Tuckey said—

> It was like George lived six lives.
>
> You think of his efforts for Rugby then overlay it with the same input to hotels, the Greek community, horseracing, charities and so on.
>
> He was a tireless worker for both Rugby and the wider community. He was a great character to have involved in the administration of the game. He is irreplaceable.

George Pippos was a first-grade flanker for Brisbane club Wests during the 1960s and became a longstanding administrator for that club. Later he was to become a board member and chairman of the Queensland Rugby Union Board. He was a Queensland delegate to the AAU from 1997 and a member of the AAU board from 1999 until the present. He had also spent the last four years developing a strong relationship with Rugby administrators in Greece with a view to further fostering the game in that country.

George Pippos was a successful businessman with hotel interests throughout Queensland and New South Wales. For many years he served as an executive member of the Queensland Hotels Association. He is survived by his mother, Koula, sister Louisa and brother Angelo.

I ask that the member for Ashgrove, Jim Fouras, pass on my sympathies and the sympathies and thoughts of all members of this House to George's family and friends, and to the wider Greek community.

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (9.43 a.m.): I join with the Premier in these condolence motions to the House, first for Guelfi Scassola. Guelfi was born in 1940 in Innisfail in Queensland. He was married to Denise in February 1973, and his children, Mark and David, have gone on to represent him and the family very well in life.

Guelfi was a solicitor, but his early education was in north Queensland at the Silkwood State School and the Silkwood Convent School. He was also educated at St Stephen's School in Brisbane, St Patrick's School in Coorparoo, Kangaroo Point State School, the Brisbane State High School, and then at the University of Queensland, where he graduated in 1963 as a solicitor.

Guelfi was elected the member for Mount Gravatt in November 1977 and was defeated in October 1983. He was a member of the Liberal Party of Australia, Queensland Division. He was a member of the Queensland Young Liberals State Council from 1964 to 1967. He served as a member of the state executive of the Liberal Party of Australia, Queensland Division from 1965 to 1968 and from 1969 to 1973.

Guelfi served as State Vice-President of the Queensland Liberal Party from 1973 to 1977 and as a federal councillor of the Liberal Party of Australia from 1971 to 1975. He was also a delegate to the Australian Constitution Convention of 1978.

Guelfi had a wide involvement in the community through being a member of the Queensland Turf Club. He was a member of Tattersall's Club and also a member of the Brisbane Cricket Ground Association and a member and a past president of the Brisbane Metropolitan Lions Club. He was also a Foundation President of the Down Syndrome Association in 1976.

Guelfi Scassola was passionate about the rights of intellectually disabled children. He was the foundation president of the Down Syndrome Association and worked tirelessly to ensure intellectually disabled children received an education, particularly an education that was integrated with the school education system. A majority of Guelfi Scassola's maiden speech was devoted to the rights and the education of the intellectually handicapped. A pertinent paragraph from that speech epitomises his commitment. He said—

> It is time that the mentally handicapped child was given educational opportunities equal to those of his normal peers to take his place in a society from which he has been banished for so long.

Today there is still much to be done for our intellectually disabled children but we as a society have come a long way since Guelfi Scassola's speech in 1978. We can all thank Guelfi Scassola for that advancement and in his memory continue to provide the necessary resources and funding for those who are less fortunate than the rest of us. I join with the parliament in wishing his wife and his sons Mark and David and their families every sincere condolence on behalf of the National Party.

Harold Lowes was born in October 1926 and he served this state well, again in the area of law. He has two sons, Geoffrey and John, and both those sons served their articles with Phillips and Lowes. Geoffrey took over the firm in 1988 and John established a practice at Indooroopilly.

Harold was stepfather also to Gerd, Suzie, Jane and Charlie, and has a number of grandchildren. He was educated at the Church of England Grammar School, Brisbane, initially because his father worked for the state Health Department and was being transferred around the state. Harold was then also educated at the Townsville Grammar School and then went back to the Church of England Grammar School in Brisbane to finish his schooling as a boarder. Harold represented that school in rowing and in Rugby and was a school prefect. He had a legal career and completed articles with Wilson Grose and Ryan in Townsville.

Harold completed the Solicitors Board course and was admitted as a solicitor in 1952 and moved to Darwin and practised with Brough Newell until 1954. He then moved to Brisbane and purchased the practice of Charles Harries. Harold Lowes practised as a sole practitioner under the name of Charles Harries and Lowes until 1974, and combined then with Syd Phillips to form the practice Phillips and Lowes. After retiring from politics in 1977 he returned to legal practice at Phillips and Lowes until 1988. He served as legal officer with the Department of Harbours and Marine until 1992.

Harold was a member of the Liberal Party and a member of the state executive from 1960 to 1961. In 1972 he unsuccessfully contested the seat of Brisbane for the Liberal Party and then in 1974 he won the traditionally Labor seat of Brisbane for the Liberal Party. He was a member of the Select Committee of Subordinate Legislation from 1975. In 1977 Harold retired from politics to return to legal practice.

He served in the AIF from 1945 to 1946 where he rose to the rank of lieutenant, and he continued military service with the Citizens Military Forces from 1948 to 1952. He served as a board member and later chairman of the North Brisbane Hospital Board. He was a member of the United Service Club and Tattersall's Club and owned and operated an oyster lease on Moreton Island.

A relevant part of Harold's maiden speech indicated that he was a proud and very ardent supporter of the health system, both public and private. He spoke warmly about the system of public hospitals that had been introduced into Queensland but spoke enthusiastically about the improvements made to the system by conservative governments, such as the Queensland Radium Institute at Royal Brisbane, the renal clinic at Princess Alexandra, the thoracic clinic at Chermside and the intensive care wards that had been established in hospitals throughout the state.

He expressed concern about the introduction of Medibank, proposed by the federal government of the day, and particularly about the advent of nationalised health services and the amount of money they would 'gobble up'. He spoke passionately about both the public and private systems. I think we will remember Harold for his support of the hospital system. Our sincere condolences go to his wife, Maureen, and family on their sad loss.

I would like to join with the Premier in saying a few words about George Pippos. George was an enormous contributor to our state, as the Premier has said—in the hotel industry, starting in south-western Queensland; in the racing industry; and in Rugby—first in participating but also, more importantly, in giving of his all as a Rugby administrator in later years. He did become a close personal friend of our family through our son's involvement in Rugby. I always admired the way he typified so many people in our society who gave so much of their talent. He was a successful businessman in many regards, but he gave of his talent, time and ability to ensure that sport in particular and that the tourism and hospitality industries prospered from the knowledge he was able to pass on. I join with the Premier in passing on to the Pippos family our condolences.

Mr QUINN (Robina—Lib) (9.51 a.m.): The Liberal Party joins in paying tribute to one of our most distinguished and respected party members, the late Guelfi Scassola, who served as member for Mount Gravatt between 1977 and 1983. Even though Guelfi served in the parliament for just two terms, his service to the Liberal Party and the community encompassed virtually the whole of his adult life.

Guelfi overcame great adversity during his life to enter public life and build and maintain a successful legal practice. He was born in Innisfail, where his father was a canefarmer. However, when Guelfi was just 12 years old his father died, resulting in enormous hardship for his mother and family. The family relocated to Brisbane, where Guelfi completed high school and went on to the University of Queensland to study law. His mother, who survives him, made many sacrifices to give Guelfi the best possible education, a fact he remained grateful for throughout his life.

In that era, to become a solicitor a law student had to undertake articles with an established practitioner. Guelfi joined the well-known inner city legal firm L. G. Catt and Associates. The senior partner in that firm, Mr Leo Catt, was an active member of the Liberal Party and later became state vice-president. Guelfi had an early interest in politics and joined the Young Liberals before becoming very active in the senior party, serving as state vice-president himself between 1973 and 1977.

Guelfi succeeded Geoff Chinchen in the Mount Gravatt seat at the 1977 election. In his maiden speech Guelfi spoke very passionately about the needs of the disabled, especially the mentally disabled, in our community—a subject close to his heart because one of his children was born with a severe disability. But he did not speak about his own child and focused totally on the need for government to provide support for the disabled and their families and for the disabled to be given greater opportunities in education, training and employment. Many of the proposals he advanced then, almost 25 years ago, remain relevant and part of the debate about disability services today.

During his two terms in the House Guelfi, along with a number of his colleagues, became increasingly concerned at some of the policies and actions of the government of the day, especially those which reflected growing intolerance by the state and its agencies. He was also deeply concerned at rising evidence of corruption in various entities, notably the police. He was not backward in making these deep concerns widely known within the coalition, something which did not endear him to the Premier or even some of his party colleagues.

He also had a strong commitment to accountable government and to parliamentary reform, including the establishment of a public accounts committee—views many of his colleagues in the Liberal Party shared. It is a matter of history that the views held by a group of Liberal members on these issues, especially rising evidence of intolerance in government and corruption and abuse in the public offices of the state, led to the great coalition split in 1983.

Nothing better illustrates the uncertainty of politics and, some may say, its injustice from time to time than did the outcome of the state election which followed the great coalition split. As did a number of his colleagues, Guelfi lost his seat to the National Party, and a career which promised to extend over many terms and lead to ministerial office was cut short. Even though he deeply regretted his loss, to his dying day he did not regret making the stand on principle which unquestionably brought about his political demise. It took the Fitzgerald inquiry to provide him and those in our party who courageously stood with him with vindication for the stand they took, even though they paid the ultimate political price for doing so.

After his defeat Guelfi returned to suburban legal practice and remained very active in his own community and the Liberal Party and passionately committed to those issues he stood for during his all-too-short political career. A measure of the standing he continued to enjoy in the party and the community was the large attendance at his funeral. I know that his widow, Denise, and his family were comforted by the support they received. I thank the current member for Mount Gravatt, the Minister for Families and Disability Services, for attending Guelfi's funeral service. I know that his family appreciated her presence and that of organisations Guelfi assisted during his life.

My colleagues and the Liberal Party organisation join with me in extending to Denise and her children and to Guelfi's mother our appreciation for his contribution to our party and the community and our best wishes at this sad time.

The Liberal Party also joins with me in paying tribute to the late Harold Bertram Lowes, former member for the seat of Brisbane between 1974 and 1977. Harold was born in Brisbane on 1 October 1926 and was raised and educated in Brisbane and Townsville. On completing his schooling he went on to study law and later to operate his own successful law practice. Harold served in the AIF from 1945 to 1946 and rose to the rank of lieutenant and continued his military service with the CMF from 1948 to 1952.

In 1950 Harold married his first wife, to whom he had two sons, Geoffrey and John. Both his sons entered the legal fraternity. Geoffrey took over his father's firm in 1988 and John established his own practice at Indooroopilly. Harold himself practised law in both Brisbane and Darwin over the course of his lifetime.

Harold successfully contested and won the Labor-held seat of Brisbane in 1974, thus creating political history as the first and, to date, only Liberal ever to win that seat. However, he served only one term and chose not to contest the next election. He did so after his constituency was radically altered by a redistribution, being effectively merged with the seat of Baroona. He then returned to his distinguished legal career.

I am sure the Premier, who now represents the electorate of Brisbane Central, would agree that Harold Lowes was an outstanding local member. He served as a member who was heavily involved in all facets of his community and who gave generously of his time and expertise to all who asked.

In addition to his proud record of community service, Harold was also a very active member of the Liberal Party for many years, contributing in many ways to the development and growth of the Queensland Liberals. Upon his retirement in 1988 Harold was legal officer with the Department of Harbours and Marine until 1992. He served as a board member and later chairman of the North Brisbane Hospital Board and was a member of the United Service and Tattersall's clubs, continuing his commitment to organisations in the central Brisbane area. Harold ended his working life as the owner-operator of an oyster lease on Moreton Island—certainly a different pursuit than the law or politics.

Harold is survived by his widow, Maureen, sons Geoffrey and John, stepchildren Gerd, Suzie, Jane and Charlie and their wider families. My colleagues in the Liberal Party organisation join me in extending to Maureen, Geoffrey and John and their extended families our appreciation for Harold's contribution to our party and the community and our sincerest best wishes at this sad time.

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors) (9.58 a.m.): I join in the condolence motion for Guelfi Scassola. As we have heard today, Guelfi was certainly a family man. I extend my heartfelt sympathies to his wife, Denise, and his sons, Mark and David, who are all here in the gallery today. I know that his daughter, Susan, would like to have been here but she has just had a baby and could not join us today.

As we have heard today, Guelfi Scassola was the member for Mount Gravatt from 1977 to 1983. He took over from the long serving Geoffrey Chinchen, who retired after 15 years in this parliament. Guelfi's career was cut short, partly because of the principled stand that he took in the Liberal Party and the government of the day.

Certainly his involvement in community activities did not wane after he left this parliament; indeed, his interests were varied and deeply rooted in the community in which he lived and he remained a patron of many community organisations until his passing. As member for Mount Gravatt, I would meet Guelfi on many occasions at the Marshall Road State School sports days, or the Robertson State School year 7 graduation or the Sunnybank RSL ceremonies each year. I know that the member for Stretton would also like me to pass on his sympathies to Guelfi's family.

Generally, I would meet Guelfi in the community from time to time. He remained as patron of those organisations, as well as honorary solicitor of many community organisations. I know that lately solicitors have been receiving some bad press, but Guelfi undertook a lot of free work for various community organisations, and he never stopped doing that free work. That is why those organisations were so well represented at his recent funeral.

As we have heard today, Guelfi was a member of this parliament for six years. He ran against me in the 1989 election. I have to say that during that election campaign he really epitomised a dignified gentleman who played his politics seriously, but never personally. I thank him for the way in which he conducted himself during that campaign.

As I met Guelfi in various places around the electorate he would always offer me very warm and helpful advice. He remained interested in the parliament and in legislation before the parliament. He would often say to me that our legislation was too complicated and too long and that what we needed to do was put it in plain English and simplify it. He had very good views about how that might be done. I think he would have aspired to be Attorney-General one day if he had remained in the parliament for a little longer.

We have also heard today that Guelfi Scassola was interested in the issue of disability. It was something about which he frequently talked during parliamentary debate. He was one of the founders of the Down Syndrome Association. One of Guelfi's sons, Mark, has that disability. Guelfi remained a strong supporter of the Down Syndrome Association for over 20 years. As Minister for Disability Services, I am now in the privileged position of attending many of the Down Syndrome Association's functions. I know that the association's members speak very warmly of what Guelfi, together with all members of the Scassola family, did in getting the association up and running. To Guelfi, the issues were very much community based. Many members of the electorate of Mount Gravatt have expressed a feeling of loss at his passing.

I express my sympathy to the family of Guelfi Scassola. I know that they loved him and cared for him deeply and that they miss him. I express my sympathy also to the many members of the Mount Gravatt community who are also experiencing a feeling of loss.

Hon. V. P. LESTER (Keppel—NPA) (10.03 a.m.): I had the privilege of serving with both Guelfi and Harold. I simply want to say that, as far as Guelfi was concerned, I believe the best tribute one can pay to any person is that on leaving the parliament Guelfi continued with every possible charitable function upon which he could lay his hands. I suppose it could be said that, from some aspects, his term in the parliament was not always pleasant, because he did not necessarily at that point achieve what he had in view. He became frustrated with the system. However, he did not let these things upset him and he continued doing what he believed was the correct thing to do.

Harold Lowes was a gentleman who was very friendly all the time to everybody. I believe that is the best way to describe him. He always had lots of ideas and was full of good cheer. It did not seem to matter what was going on, Harold could see the funny side of things. He was a great mate of Bob Moore, whom we all know. I have to say that I think Harold might have contributed to some of the planning of the building next door, because Bob Moore was behind the project and he and Harold were great mates. I do not know whether the inefficiency of the lifts is Harold's legacy. Nevertheless, whatever he did, he did in good spirit.

Like Guelfi, Harold continued with his charity work after his retirement from parliament. These were two good people who did their best all the time for what they believed in.

Hon. J. FOURAS (Ashgrove—ALP) (10.04 a.m.): When I arrived in this parliament in 1977 I met Guelfi Scassola. I got to know him very well because he was very friendly with Peter White, a member from the Gold Coast. I went to boarding school with Peter.

I remember Guelfi as a small 'l' liberal. He regularly expressed his concerns at the excesses of the Bjelke-Petersen government. Guelfi did not support the gerrymander or the lack of accountability in this chamber. What I remember most about Guelfi was that he was a Liberal who was most concerned about the lack of funding for families. At that stage Queensland was the only state that was not providing state funding for women's refuges. I remember having a cup of tea with Guelfi one day and he was outraged at that situation. The Minister for Families mentioned that Guelfi had great concerns about the lack of funding for the disabled.

Guelfi was a thoroughly decent man. I respected his integrity and I admired his values. I think Guelfi Scassola believed that the true test of a democracy is the way in which we address social disadvantage—something that I think is a value we should all consider.

Finally, I would like to join with other members in this chamber in extending my condolences to his wife, Denise, and his family. Unfortunately, I was unable to attend his funeral, but today I am very pleased to be able to say what a thoroughly decent person Guelfi Scassola was. The community of Mount Gravatt and the wider community are all the poorer for his passing.

Mr SHINE (Toowoomba North—ALP) (10.06 a.m.): I would like to make some remarks with regard to Guelfi Scassola. I worked with him for a few years from 1967 at the then legal firm of Trout Bernays and Tingle. I started there as a very young and innocent articled clerk. Guelfi, at that stage, was an experienced solicitor. On many occasions he took me under his wing. He was extremely kind to me.

I can well remember the political discussions we held at lunchtime. The office was represented by all sides of politics. Wally Enrich was there, as well as Terry Moloney from the bar, prior to his going overseas. At that stage, Sir Leon Trout was the senior partner of the firm and he, of course, was the immediate past president of the Liberal Party. Perhaps that might explain Guelfi's being induced to work at that firm.

He was a high-ranking officer of the Liberal Party. The party had the so-called ginger group in this place at that time. I remember that Guelfi had his hands full on behalf of the Liberal Party. I would like to record my high regard for Guelfi. I refer to his integrity, his honesty and his humanity, which have been referred to by the member for Mount Gravatt today. He contributed greatly to the law in Queensland and to politics. I would like to pass on my sympathy to his family. I also pass on my sympathies to the family of Harold Lowes, whose son Geoff was a contemporary articled clerk with me.

Motion agreed to, honourable members standing in silence.

ABSENCE OF THE CLERK

Mr SPEAKER: Order! I have to advise the House of the absence of the Clerk of Parliament on extended leave.

PETITION

Bus Services, Garbutt

Mr Reynolds from 74 petitioners requesting the House investigate and assist in the introduction of a more regular and consistent schedule of bus services for the residents of Railway Estate, South Townsville, Garbutt and adjoining suburbs with particular emphasis upon weekend services and specifically the introduction of Sunday services.

PAPERS

PAPERS TABLED DURING THE RECESS

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

10 September 2002—

Reports by the Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) pursuant to section 56A of the Statutory Instruments Act 1992

Report by the Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province (Mr McGrady) in compliance with section 56A of the Statutory Instruments Act 1992

11 September 2002—

Response from the Minister for Health and Minister Assisting the Premier on Women's Policy (Mrs Edmond) to a petition presented by Mr Purcell from 18 petitioners, regarding changes to Queensland's dental legislation—

Ms L Short
4/83 Indooroopilly Road
TARINGA Q 4066

Dear Ms Short

Thank you for your petition dated 7 August 2002, regarding changes to Queensland's dental legislation, which was forwarded to me by Mr R Doyle, Clerk of the Parliament, for a response.

I have noted the matters addressed by the petition, including the request that restrictions on the practice of dental and oral health therapists be removed to enable these practitioners to treat adults as well as young people under 18 years.

The petition, as well as feedback provided by other stakeholders, will be taken into account when finalising the National Competition Policy (NCP) Review of the Restrictions on the Practice of Dentistry. The purpose of this review is to make recommendations to the Government on the need for, and the extent to which, statutory restrictions should be imposed on the practice of dentistry in Queensland.

Thank you for bringing this matter to my attention and I trust this information is of assistance.

Yours sincerely

(sgd)

Wendy Edmond MP
Minister for Health and
Minister Assisting the Premier on Women's Policy

cc Mr R Doyle, The Clerk of the Parliament

9 SEPT 2002

Response from the Minister for Environment (Mr Wells) to a petition presented by Mr Lucas from 454 petitioners, regarding the Lytton Quarantine Jetty located at Fort Lytton—

Mr R Doyle
The Clerk of the Parliament
Legislative Assembly of Queensland
Parliament House
Alice and George Streets
BRISBANE QLD 4000

Dear Mr Doyle

I refer to your letter of 13 August 2002 forwarding a copy of a petition tabled in the Parliament on 7 August 2002 regarding the Lytton Quarantine Jetty, located at Fort Lytton.

Whilst the Queensland Parks and Wildlife Service (QPWS) gives in principle support for the refurbishment of the existing jetty, the funding allocated to the Capital Works Program each year is finite. To ensure that important projects are given a sufficiently high priority all projects across the state are prioritised and funding distributed accordingly.

Extensive funds have and are being expended on heritage capital works around the State that provide a benefit to the community. Earlier this year the QPWS undertook the relocation of the Quarantine dining hall and hospital clinic to Fort Lytton. These important historical buildings are currently being refurbished for future community use. The possible benefits for tourism have been raised and I am advised Tourism Queensland, Brisbane Marketing and tour operators have been consulted about the tourist potential of Fort Lytton and the Quarantine Station.

Provision of transport infrastructure, such as a jetty, is considered to be more relevant to the Department of Transport and Local Council. The area in question is under the control of the Department of Natural Resources and Mines (DNRM).

I trust this information is of assistance.

Yours sincerely

(sgd)
DEAN WELLS
Minister for Environment

Response from the Minister for Environment (Mr Wells) to a petition presented by Mrs Sheldon from 1,366 petitioners, regarding the use of jetskis (personal water craft) in the Pumicestone Passage area—

Mr R Doyle
The Clerk of the Parliament
Legislative Assembly of Queensland
Parliament House
Alice and George Streets
BRISBANE QLD 4000

Dear Mr Doyle

I refer to your letter of 13 August 2002 forwarding a copy of a petition tabled in the Parliament on 7 August 2002 regarding the use of jetskis (personal water craft) in the Pumicestone Passage area.

The Marine Parks (Moreton Bay) Zoning Plan 1997 prohibits the use of personal water craft (PWC) in Protection Zones and outside navigation channels in Conservation Zones. The majority of Pumicestone Passage is either zoned as 'Conservation' or 'Protection'.

The zoning plan is currently being reviewed with respect to all motorised watersports. This review will focus on protection of the conservation and amenity values of Moreton Bay Marine Park.

Additionally, Queensland Transport's Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000, which came into force on 19 January 2001, further restricts the use of PWC in Pumicestone Passage. The restrictions on PWC prescribed by the Zoning Plan and the restrictions on the behaviour of watercraft prescribed by the Management Plan, restrict the areas of use of PWC and their activities, thus minimising the opportunities for PWC to cause nuisance to other users of Pumicestone Passage.

Enforcement of the provisions of the Management Plan is a matter for Queensland Transport, through the Queensland Police (Water Police) and Department of Primary Industries (Queensland Boating and Fisheries Patrol). The Queensland Parks and Wildlife Service (QPWS), conducts regular patrols of the Pumicestone Passage which, as well as being part of its public awareness program to inform the community of the existence and values of the Marine Park, are for surveillance and enforcement purposes.

I trust this information is of assistance.

Yours sincerely

(sgd)

DEAN WELLS
Minister for Environment

13 September 2002—

Apprenticeship and Traineeship Ombudsman—Annual Report 2001-2002

Training and Employment Board—Annual Report 2001-2002

Training Recognition Council—Annual Report 2001-2002

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Acting Clerk—

Gas Act 1965—

Gas Amendment Regulation (No. 1) 2002, No. 236

Transport Infrastructure Act 1994—

Transport Infrastructure (State-controlled Roads) Amendment Regulation (No. 1) 2002, No. 237

Fair Trading Act 1989—

Fair Trading Amendment Regulation (No. 2) 2002, No. 238

Aboriginal Land Act 1991—

Aboriginal Land Amendment Regulation (No. 2) 2002, No. 239

Building Act 1975—

Standard Building Amendment Regulation (No. 1) 2002, No. 240

City of Brisbane Act 1924, Local Government Act 1993—

Local Government Legislation Amendment and Repeal Regulation (No. 1) 2002, No. 241

MINISTERIAL STATEMENT

Regional Parliament

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (10.10 a.m.), by leave: The first sitting of the Queensland parliament outside of Brisbane this month in north Queensland was a great success. There is no doubt that the north Queensland sitting in Townsville was, on any criteria, the sort of success we all wanted and should be repeated. I am confident in saying it was beyond all of our expectations and put paid to the hollow criticisms of a small number who badly misread the reaction of north Queenslanders and Queenslanders generally. More than 8,000 people witnessed the event, as we know, including the national record of more than 1,000 people being on hand for question time on the Wednesday night. I now know that nearly all in this chamber agree that it was well worth the effort and deserves repeating in the next term. I restate our commitment that, if we have the honour of governing Queensland again after the next election, we will repeat the exercise once in the next term.

Important pieces of legislation were introduced and the debate and its content were most worthy. As promised, I have prepared an outline of the additional costs for the north Queensland sitting. As of last Friday, 13 September, the latest available estimate was that the total is within the advice I offered to the parliament in Townsville of $445,000. The cost as of last Friday was $437,500, GST exclusive. The budget for the additional costs of the sitting was $500,000. These figures include the actual cost of services where invoices have been received. However, I ask members to please keep in mind that not all invoices have been received. After all, the end of the month is still some days away.

For the information of the House, I seek to incorporate in *Hansard* a breakdown of the estimate of costs so that every member will be aware of them.

Leave granted.

REGIONAL SITTING—ESTIMATE OF COSTS	Estimate $
PLANNING	
Includes site visits to Townsville to inform layout, information technology and audio-visual requirements and professional fees for venue drawings	8,395
TRAVEL	
Includes travel for Members, support staff and Parliamentary Service staff	69,895
ACCOMMODATION AND MEAL ALLOWANCE	
Includes accommodation and meal costs for Members, support staff and Parliamentary Service staff	126,008
VENUE HIRE	
Includes hire of the Townsville Entertainment and Convention Centre and meeting and press conference rooms at Jupiters Townsville Hotel and Casino	33,861
CHAMBER AND OFFICES FIT-OUT AND EQUIPMENT	
Includes relocation of furniture, hire and operation of closed circuit television and sound system, temporary partitioning for office and meeting rooms, phone line installation and rental, computer network datacoms, hire of photocopiers and fax machines	
Includes purchase of calling and division bell system and LCD screens which will be available for other uses, including future regional sittings	110,721
OPERATIONS	
Includes Indigenous welcome, Hansard freighting costs, security measures, St John Ambulance and disability services, water, tea/coffee service and photographer	12,620
KEY COMMUNITY EVENTS	
Includes joint State/Council Reception and 4TO Free Public Barbecue	20,633
COMMUNITY ENGAGEMENT AND EDUCATION ACTIVITIES	
Includes set-up of outdoor education areas, student education kits, volunteer guides, Youth Parliament, students' breakfast, and exhibitions on Parliament at the Townsville Entertainment and Convention Centre and Museum of Tropical Queensland	49,753
PROMOTION	
Cost of production and distribution of flyer on activities accessible by the public	5,673
TOTAL	437,559

Notes

The above figures represent best estimates of costs as at 13 September 2002

All amounts are GST exclusive

Costs do not include the value of sponsorship or in-kind support by Queensland Government agencies, local government or other organisations

The actual cost of the sitting will not be known until all outstanding invoices are received

Mr BEATTIE: When members see the estimate, they will see that it includes planning, travel, accommodation and meal allowance, venue hire, chamber and office fit-out and equipment, operations, key communications, community engagement and education activities and promotion. I have broken it into these categories, which I promised I would do. I urge all members to read the material for their information.

Mr Speaker, I want to advise the House that, as you would be aware, we have already had from the Gold Coast, Mackay, Rockhampton, Cairns, Toowoomba and Bundaberg expressions of interest in hosting the next regional sitting. They are only examples. There are probably more requests in the system.

Mr McGrady: Mount Isa next.

Mr BEATTIE: Indeed, Mount Isa. I take that interjection from the member for Mount Isa.

Mr Speaker, again I want to thank briefly all who made it a great success, especially the parliamentary staff and yourself for making this north Queensland sitting one of the high points of this the 50th Queensland parliament.

MINISTERIAL STATEMENT

Sugar Industry; Ethanol

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (10.13 a.m.), by leave: The state government will do its utmost to find solutions to the problems confronting our sugar industry. Last week, the Commonwealth announced that it would be implementing a substantial package of assistance for the sugar industry. While details are still being finalised, the Commonwealth's package in broad terms will deliver around $120 million in funding.

Tom Barton's key people are working within the government—working with Henry's people in Primary Industries and my department—to ensure that we have a response and that will be considered by cabinet on Monday.

In addition to providing welfare payments to growers, the Commonwealth will provide assistance to support restructuring, for industry change and for interest rate subsidies for replanting. However, the Commonwealth's assistance is conditional on significant regulatory reform. Federal Finance Minister, Nick Minchin, says there will be no help for the sugar industry without self-reform and legislative changes in Queensland. Queensland and the Commonwealth are currently negotiating a joint memorandum of understanding on a joint approach to supporting change in the sugar industry.

Federal Agriculture Minister, Warren Truss, says the MOU will address issues such as an analysis of the economics of the sugar industry and the repeal of elements of the Queensland Sugar Act 1999. Mr Truss says it is essential that the Queensland Sugar Act is sufficiently flexible to enable the industry to have the versatility and the flexibility that will be necessary to encourage new industry, to encourage diversification and to enable alternative production and marketing arrangements. I note Mr Truss's remarks about it being necessary to have alternative marketing arrangements. Consultation with industry and a detailed assessment of the impact of reforms will be crucial to our consideration of the type of reforms required.

Once the memorandum of understanding with the Commonwealth is finalised, we will announce our package—and we will do that as soon as we can, and that depends on negotiations. The Queensland assistance package will complement Commonwealth assistance and avoid wasteful duplication. It will build on the $35 million over four years that we have already committed to improve farm business practices, encourage sustainable farming technologies, and fund energy related cogeneration projects. It will build on the $20 million in low-interest loans on offer to help growers plant and fertilise their 2003 cane crop.

Ethanol blended with motor fuel can help the environment, regional development and Australia's fuel self-sufficiency. Ethanol is part of the future for the sugar industry. Queensland has taken a number of measures to promote the use of ethanol. The Department of State Development has been working with potential investors in proposed ethanol plants.

I seek to incorporate the rest of my ministerial statement in *Hansard* because of time.

Leave granted.

In addition, vehicles in the Queensland vehicle fleet are encouraged to use E10 blended fuel.

However, the ability to really grow the ethanol industry is in the hands of the Federal Government.

The Prime Minister has indicated that the Federal Government will remove the current fuel tax exemption on ethanol and will provide a producer subsidy for the next 12 months to domestic ethanol producers.

This change is designed to benefit local ethanol producers against imports.

While this concession is welcome, it will not of itself secure the future of the ethanol industry.

The period of 12 months is too short to provide certainty to investors.

Bundaberg Sugar has already announced that this concession does not provide enough incentive for it to consider investing in the industry.

It says that as long as there is a time limit on the subsidy and no mandate for ethanol use in fuel, ethanol production is too risky an investment.

As I have indicated previously, we would support the Federal Government mandating a percentage of ethanol in fuel.

This would need to be done in a way that doesn't increase the price of fuel, especially to rural and regional Australia.

Also, to be effective, the Federal Government would need to ensure that imports aren't simply 'sucked in' from overseas.

I reiterate the invitation that I extended to industry representatives in Townsville to work with the government to secure the future of the industry.

Mr BEATTIE: Just finally, before I conclude on this, I want to make the point that we are concerned as a government that the Prime Minister has indicated that the federal government will remove the current fuel tax exemption on ethanol and will provide a producer subsidy for only the next 12 months to domestic ethanol producers. Our worry is that that 12 months is too short. We have already had indications from Bundaberg Sugar that the concessional rates do not provide enough incentive to encourage the consideration of investing in the ethanol industry. The federal government has to provide a long-term commitment to ethanol, not just for 12 months.

MINISTERIAL STATEMENT

Unemployment

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (10.16 a.m.), by leave: I am delighted that the figures released last Thursday by the Australian Bureau of Statistics show Queensland's trend unemployment rate dropped to 7.2 per cent in August. This was down from 7.3 per cent in July. It was the lowest trend unemployment rate for 12 years.

Not since April 1990 has the trend unemployment rate been this low. In fact, when the Leader of the Opposition was in cabinet, the state's unemployment rate averaged around nine per cent. When the Leader of the Opposition was in cabinet in February 1997, the unemployment rate peaked at 9.5 per cent. The last time he was in cabinet the unemployment rate was 8.4 per cent. In March 1996, Queensland's unemployment rate was 8.9 per cent; in April 1996, 8.9 per cent; in May 1996, nine per cent; in June 1996, 9.1 per cent; in July 1996, 9.1 per cent; in August 1996, 9.1 per cent; in September 1996, 9.1 per cent; in October 1996, 9.1 per cent and they go on.

Because of the time taken for the condolence motions, I do not have time to complete this ministerial statement. I seek leave to incorporate it, but I highlight that it is the best record in 12 years.

Leave granted.

Nov 1996:	9.2%
Dec 1996:	9.3%
January '97:	9.4%
February '97:	9.5%
March '97:	9.4%
April '97:	9.4%
May '97:	9.3%
June '97:	9.1%
July '97:	9.1%
August '97:	9%
Sept '97:	9%
Oct 1997:	9%
Nov 1997:	8.9%
December '97:	8.7%
January '98:	8.6%
February '98:	8.4%
March '98:	8.4%
April '98:	8.3%
May '98:	8.4%
June 1998:	8.4%

How times have changed.

Queensland created 2,600 jobs in August 2002 and 45,300 jobs over the year.

This was more than one quarter of total jobs created nationally.

Of great significance is that more than 31,000 of these 45,300 jobs were full-time jobs.

Queensland continues to be the engine-room of full-time jobs growth.

The last time Queensland's trend unemployment rate was this low was back in April 1990.

August 2002 was the thirteenth consecutive month in which our jobs growth outpaced the national figure.

Our annual jobs growth was 2.7 per cent, compared to 1.9 per cent nationally.

There was also encouraging news about future jobs growth earlier last week, when the ANZ Job Advertisement Series showed the number of job ads in Queensland rose by 26 percent during the past 12 months.

Once again this overshadowed the national scene, where growth in job advertisements was 9.5 percent.

The latest Federal Department of Employment and Workplace Relations Survey of skilled vacancies delivered more good news.

It shows skilled vacancies in Queensland rose for the 17th month in a row, increasing by 3.1 % in August.

This was well above the national rise of 0.5%.

These figures speak volumes about the Smart State's continued status as the economic and employment powerhouse of Australia.

MINISTERIAL STATEMENT

Mrs C. O'Sullivan, Queensland Telstra Business Woman of the Year

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (10.17 a.m.), by leave: I take great pleasure in putting on the record today my congratulations to Catherine O'Sullivan, Education Queensland's recently appointed Executive Director—Schools in the Toowoomba District, for winning the Queensland Telstra Business Woman of the Year Award last week. Mrs O'Sullivan is the first educator ever to win this award in its eight-year history.

In her role as principal of Goondiwindi State High School, Mrs O'Sullivan has worked tirelessly to promote the importance of education in rural and remote communities. Not only did she win the Telstra Business Woman of the Year Award, but she also received the TMP Worldwide Community and Government Award, was announced Waggamba Shire Council Citizen of the Year in this year's Australia Day Awards, and was a 2000 Churchill Fellowship recipient.

It is under Mrs O'Sullivan's leadership that Goondiwindi State High School became a dynamic school community that is recognised for its innovative vocational education and training programs. It is under Mrs O'Sullivan's leadership that the school developed strong links with industry. It is also under Mrs O'Sullivan's leadership that innovative vocational education and training programs are delivered in partnership with local industries to meet local employment needs. It is under Mrs O'Sullivan's leadership that Goondiwindi State High School retention rates have increased from 49 per cent in 1998 to 90 per cent this year—a remarkable achievement of a 41 per cent improvement in just four years.

It is a tribute to Mrs O'Sullivan, and indeed to all education professionals, that an educational entrepreneur has been recognised at the highest level with this award. This is wonderful public recognition of the integral role school principals play in communities throughout Queensland. It is also an acknowledgment of the complex and challenging role of principals in managing a school. Modern Queensland state schools are effectively multimillion dollar businesses, and principals like Mrs O'Sullivan have to run them with corporate precision and vision. I think Mrs O'Sullivan put it best. When she accepted the award, she said it was 'a wonderful way to showcase to the wider community that education is a business and it's big business. It's the business of hearts and minds and that's what makes it incredibly challenging'.

I understand the calibre of the nominees for this year's Queensland Telstra Business Woman of the Year was exceptional. On behalf of the government, and Education Queensland, I would like to congratulate Mrs O'Sullivan on her efforts in improving the educational outcomes for students living in rural and remote Queensland. I am sure that members will join me in wishing her luck in the national finals to be held here in Brisbane next month.

MINISTERIAL STATEMENT

Mr G. Pippos

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (10.20 a.m.), by leave: Last week, Queensland lost a great character and a loyal friend with the death of George Pippos. George was a remarkable person who lived an extraordinary life and his sudden death after a heart attack last week has left his friends in the Rugby, racing and Greek communities stunned. The son of a Greek immigrant cafe owner in Dirranbandi, George became one of the largest and most successful hoteliers in Australia. Business was just a small part of what was a very full but tragically short 61 years. George was one of Australia's foremost Rugby administrators and his passion for Wests, the Queensland Reds and the Wallabies was legendary. A former president of Wests and the QRU, George was also a member of the Australian Rugby Union Board, and it is a great pity that he did not live to see the World Cup return to Australia next year. His time in Rugby administration was marked by the great changes the sport has made and it was this passion for a challenge that brought George to the new Queensland Thoroughbred Racing Board.

As the Premier said earlier, George originally rose to prominence in racing as a part owner of the legendary 'Goondiwindi Grey' Gunsynd. Gunsynd was one of the greatest gallopers in Australian turf history. He and Gunsynd's other part owners will forever be remembered for their association with the mighty Queenslander who won a Cox Plate and was placed in the Melbourne Cup during a remarkable career. But this year, when the Queensland thoroughbred racing industry needed people of character prepared to step forward and give the industry some direction, George answered the call. Like everything he ever did, George threw himself into the job full bore and I know his sharp mind and direct manner will be sorely missed in the boardroom

of the QTRB. Racing and Rugby were not the only beneficiaries of George, who was also chair of the Mater Hospital Art Union and received an Australia Medal for his services to the Greek community. I would like to put on record my condolences to his family and my thanks for his service to the community.

While this is a time to remember George Pippos and his life, I will move in the near future to begin the process for replacing a member of the QTRB. Until the time that the replacement is appointed, the QTRB has a quorum and will continue to function as the control body for thoroughbred racing, albeit without the colour provided by George Pippos.

MINISTERIAL STATEMENT

TAFE Training Schemes

Hon. M. J. FOLEY (Yeerongpilly—ALP) (Minister for Employment, Training and Youth and Minister for the Arts) (10.22 a.m.), by leave: The spectre of unemployment continues to haunt far too many people in Queensland, particularly amongst the indigenous community. As part of this government's Smart State commitment to provide quality skilling through TAFE, there has been a particular emphasis on delivering training to Queensland's Aboriginal and Torres Strait Islander communities. But our training system needs to involve indigenous people not merely as trainees but also as trainers. I am pleased to inform the House that the achievement of this goal is being greatly enhanced by the increasing number of indigenous people now taking on the role of trainer. Indigenous people have long been acquiring skills in their communities without gaining formal qualifications. Now, with the assistance of TAFE Queensland, many are gaining qualifications that enable them to deliver nationally recognised training.

Those earning Certificate IV in Workplace Trainer and Assessor gain accreditation recognised under the Australian qualifications framework. TAFE institutes actively seek students to become workplace trainers to improve training delivery for indigenous students. For example, the efforts of staff at the Southern Queensland Institute of TAFE have led to the establishment of courses in St George, Charleville and Cunnamulla. This gives isolated communities access to qualified training staff. The Wide Bay Institute of TAFE has followed a similar course. Its Bundaberg college council recently offered two scholarships to indigenous students wishing to undertake training as workplace trainers. The two were so keen to complete their studies they worked through the 12-month course in just five months. I commend Theresa Nixon and Naomi Commanduer for their achievement. Both women intend to use their training to benefit the local Bundaberg indigenous community.

Theresa Nixon's goal is enhanced educational and employment outcomes for the indigenous community. She intends to use her qualification to deliver culturally appropriate training. Naomi Commanduer wants in particular to assist young people. As well as gaining her Certificate IV she has also undertaken a 22-week traineeship with the Bundaberg Aboriginal and Torres Strait Islander Housing and Advancement Society. Students such as these are helping to improve TAFE Queensland's capacity to deliver relevant training to indigenous students.

SITTING HOURS; ORDER OF BUSINESS

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.23 a.m.): I advise 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.

DISTINGUISHED VISITOR

Mr SPEAKER: I ask members to acknowledge the presence in the gallery of Mrs Dorothy Birgan, former mayor of Charters Towers and the first female mayor in north Queensland, who will receive her AOM at Government House this week.

SCRUTINY OF LEGISLATION COMMITTEE

Reports

Mr PITT (Mulgrave—ALP) (10.25 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 8 2002* and move that it be printed.

Ordered to be printed.

Mr PITT: I also lay upon the table of the House the committee's report of the *Transport Legislation Amendment Regulation No. 3 of 2002 SL-199 of 2002* and move that it be printed.

Ordered to be printed.

PRIVATE MEMBERS' STATEMENTS

Health System

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (10.26 a.m.): You always know when a Queensland Labor government is in trouble with the health system. It is when the waiting lists have blown out, when the government is not getting on with the nurses, the health workers and the doctors, when the hospital beds are being closed and when the people's basic health needs are being neglected. You always know that this Beattie government, just like the Goss government before it, will run up the philosophical white flag and start a debate about when the life support machine should be turned off. The latest example came last week when the Health Minister debated whether death might be a better option than providing dialysis support for people with renal failure—the same callous minister who took the chunder bucket to the nurses, the same callous minister who as opposition spokeswoman invited her caucus colleagues to keep those victims coming so she could serve them as up as cannon fodder in the parliament.

The Beattie government saw no need for a debate when it decided to spend $20 million on the footbridge over the Brisbane River instead of the $13 million it had budgeted. The Beattie government saw no need for a debate when it decided to double its annual grants to big companies and multinationals from $32 million to $64 million. The Beattie government did not see any need for a debate when it put up $280 million to upgrade Lang Park. But when it comes to life and death health issues, a basic health issue that provides quality of life for so many Queenslanders who suffer from renal failure, suddenly the government wants to debate it. People with these needs do not want the matter debated; they want service and they want care. They want to be treated and they deserve to be treated, but the Health Minister is clearly not up to the job of providing that treatment. She has got no compassion. She has lost control of the health system. She admits she is tired. She is only in the job because she is a factional mate of the Premier. While the Minister is debating which life support machines to switch on or off, every member of the Labor caucus is debating how long it will be before the Premier accepts the inevitable and switches off the political life support of this failed Health Minister.

Queensland 500; Mr T. Cochrane

Mr LIVINGSTONE (Ipswich West—ALP) (10.28 a.m.): Traditionally, Friday the 13th is a day when we are likely to be hit with unexpected bad luck. This time it actually came to pass through the efforts of Tony Cochrane, the chairman of AVESCO, the Australian V8 Supercar Company, and his announcement that the Queensland 500 would no longer be held at the Queensland Raceway at Willowbank. As the elected representative of a great many regular visitors to the raceway, I find Mr Cochrane's performance unacceptable. Apparently he feels that incompatible differences with the Queensland Events Corporation—and therefore by association with the whole of the Queensland state government—have prompted him to pack up his bat and ball, or in this case his supercar and chequered flag, and go home.

The popularity of the Queensland 500 is undisputed. People come from hundreds of kilometres away to enjoy this event, and the suggestion that such a high profile group as V8 Supercars would be snubbed by the Queensland Events Corporation is a lie. It is disappointing that Mr Cochrane used a public forum to air his grievances. This is no more than a grandstanding stunt which does nothing for the people of south-east Queensland other than deliver a backhander. Mr Cochrane has never spoken to the Events Corporation about his claims or even made a submission. The fact is the only casualty here is the truth, because this man continues to make untruthful statements yet expects to do business in Queensland. This is just a smokescreen to disguise a hidden agenda to move this event elsewhere.

The people of Queensland, the Queensland Events Corporation and the state government have every reason to be offended. I believe the Queensland Events Corporation would prefer to deal with the race promoters rather than Mr Cochrane as they have not expressed any difficulties with the procedure. I have nothing but praise for the Queensland Events Corporation, which has done an excellent job in bringing major, quality events to Queensland and I congratulate it on a job well done.

QUESTIONS WITHOUT NOTICE

Funding, Queensland Health

Mr HORAN (10.30 a.m.): I refer the Minister for Health to her callous comments last week when she questioned the worth of providing dialysis support to patients with renal failure and debated whether death was a better option in a clumsy attempt to create a smokescreen for the crisis her government has created within the public health system. I refer also to her decision to break the Premier's 1998 election promise and close down the Townsville multidisciplinary spinal unit in November this year. I table that media release from the Premier. Given that the Premier said in his media release of June 1998 that the unit had proved a success for the treatment of people with chronic back pain problems, I ask: has she now decided that, like dialysis treatment, the quality of life for people with chronic back pain is not worth funding, either?

Mrs EDMOND: It makes it very difficult when the Opposition Leader asks two totally unrelated questions in one question. I thought members were allowed to ask only one question at a time. I will attempt to answer both. However, I hope the Leader of the Opposition extends the time I have to answer so that I can cover both answers.

I have never advocated turning off dialysis machines. Renal services throughout Queensland have multiplied during my term as Health Minister. As Health Minister, I fully recognise the growing need for dialysis services and the impact this treatment has on patients' lives. Under the Beattie Labor government and during my time as minister, Queensland Health has embarked on an unprecedented expansion of renal services throughout the state. I am very proud of this achievement and I welcome an opportunity to provide the detail. This list of achievements under Labor's hospital rebuilding program includes many new facilities in remote parts of the state. For example, we are currently building a four-chair satellite unit at Bamaga, on the tip of Cape York Peninsula. Many dialysis patients will now be able to be treated at home instead of having to move to Cairns. I will table a list of the new renal services or service enhancements initiated by Labor. This list is by no means complete, but it does give an indication of our commitment to expanding renal services. Perhaps Mr Horan would like to advise the House how many new dialysis services he opened when he was minister.

What I have advocated—and I have to say, it was not set out by me, I was asked questions by the *Courier-Mail* last week—is a community discussion about health resourcing issues, some of which are very difficult and sensitive issues. That is why I have said that these issues generally have not been debated by the community before. I think the community—families, their loved ones and their clinicians—and not politicians should have all of the facts to decide these issues for themselves. That is what we have said. This is not some secret that we have pulled out of the blue now. In April, the Premier and I announced cabinet approval for a discussion paper titled *Smart State Health 2020*, which is all about working with the community. I know members opposite do not understand what 'community consultation' means. Government members believe very strongly that we should involve the community in these very important discussions and particularly the people most closely involved. This is all about working with the community to plan our health services for the future. We need to have the courage to talk about these health issues openly. We need also to provide the information to people.

Mr HORAN: Mr Speaker?

Mr SPEAKER: Order! The time for the answer has expired.

Mrs EDMOND: Is the Opposition Leader going to move that I have time to answer the second question? I would love to.

Smart State Campaign

Mr HORAN: I refer the Premier to the latest research from Brisbane Marketing, which exposes his Smart State campaign as a marketing flop while he has spent a truckload of taxpayers' money—

Honourable members interjected.

Mr BEATTIE: I rise to a point of order. I am sorry. I could not hear the beginning of the question.

Mr SPEAKER: Order! I have had problems all morning in listening to statements and questions. The House will come to order. I will name members who keep talking.

Mr HORAN: I refer to the latest research from Brisbane Marketing, which exposes the Premier's Smart State campaign as a marketing flop. While he has spent a truckload of

taxpayers' money converting the successful image of the Sunshine State into the political campaign Smart State, these figures from last month reveal it has done nothing to educate the industry from interstate. The survey showed businesses know nothing or next to nothing of Queensland's science and research, trade and manufacturing, finance, insurance, banking or construction. Considering there were so many more worthy areas suffering funding shortfalls, such as Queensland public hospitals, I ask: why has so much money been wasted on this botched Smart State stunt? Why has the Premier spent so much of the state's resources preaching to the converted about how smart Queensland is when it is obvious that the rest of the country needs to be converted? Is the Smart State not just another taxpayer funded scam designed purely for his own self-promotion within Queensland?

Mr BEATTIE: I sought some courtesy to allow the Leader of the Opposition to ask his question in silence and I would appreciate, because of the importance of this issue, some courtesy from the Leader of the Opposition in response.

Let us deal with the Smart State issue. This is not just the basis of a political exchange across the chamber, this is about the future of Queensland. I want to make it very clear that Smart State is a strategy for the future. It is not owned by any political party or by any government. This should be a strategy endorsed by all sides of politics. The alternative to a Smart State is a dumb state and a dumb state means no jobs. Let us be really clear about this—

Mr Horan interjected.

Mr BEATTIE: Hang on. We live in a very ugly and competitive world. We have to ensure that we have innovation for our future. It is about doing smarter things. Smart State is about smarter things in tourism—about Virgin Blue in Queensland and Australian Airlines in Cairns. It is about promoting our tourism dollar and our tourism product to the world. Can anyone possibly suggest to me that we should not have Australian Airlines or Virgin Blue? Of course not! What does it mean in terms of mining? It means AMC light metals in central Queensland and Comalco in Gladstone. Those are the sorts of things we are talking about. What does it mean in primary industries? It means research and doing things smarter.

Mr Rowell interjected.

Mr SPEAKER: Order! The member for Hinchinbrook!

Mr BEATTIE: The member should stop bleating. Can we deal with the real issues instead of the political rot? Let us talk about the sugar industry. This is about value adding and ethanol. Members opposite support ethanol. That is what Smart State means.

Mr Hobbs interjected.

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

Mr BEATTIE: The Opposition Leader's question is about base politics, not the future. Smart State means ethanol outlets for sugar. It means using sugar for plastics. That is just doing smarter things with our existing industries; it is also about a smarter education system, better IT, biotechnology, better communications and ensuring that this state is competitive in this ugly world. Let me make it clear: Smart State is about our future. I stand by it and so does my government. I do not want Queensland to have second best, I want us to have the best. Smart State is about using our brains to get the jobs of tomorrow. The Leader of the Opposition can deride Smart State all he likes, but we will not move away from taking Queensland into the 21st century and giving our kids the jobs they deserve. The Leader of the Opposition can take the Philistine approach to this and turn back the clock, but we will not. We will go ahead whether he is on board or not.

Mr SPEAKER: Order! Before calling the member for Woodridge, I welcome to the public gallery students, parents and teachers from the Labrador State School in the electorate of Broadwater.

Volatile Substance Misuse

Mrs DESLEY SCOTT: I ask the Premier and Minister for Trade: can he please inform the House about the government's plans for tackling volatile substance misuse by young people?

Mr BEATTIE: I thank the honourable member for Woodridge for the question, because I know that she has a particular interest in this issue. She is a compassionate person, and I thank her for her question. Last week cabinet approved the release of a report entitled *Volatile substance misuse in Queensland*. It is a report prepared by the Commission for Children and Young People and it proposes a seven-stage strategy for tackling the growing problem of volatile

substance misuse by young people. I table a copy of the report for the information of all members, and I would urge them to read it. Volatile substance misuse is the deliberate inhalation of substances such as petrol, glue, chrome based paint and nail polish remover for the purposes of intoxication. We try not to mention those things because we do not want to encourage people, but in this House I need to deal with them openly. In all, there are 250 commonly available products which can be misused. The long- and short-term effects of such abuse are quite alarming. Children and young people need to be aware that they can die as a result of misusing these substances, which can cause heart failure, choking and suffocation. The substances can also damage the liver, kidneys and central nervous system and cause frequent tiredness, memory loss, permanent hearing loss and depression.

In 1999 a survey conducted by Education Queensland as part of a national review found about 10 per cent of students in years 7 and 8 had inhaled substances in the past week, and that has got to alarm everybody. This compared with less than one per cent of students in years 11 and 12. What we are talking about here—and this is why this report is so timely—are vulnerable young people. That is what we are talking about. This is a very difficult issue. It is very emotive, controversial and not easy to resolve. Education is a key part of the strategy, and I thank Robin Sullivan and the commission for their support. The approach aims to tackle the problem at a community level in ways which suit individual communities. The strategy involves identifying a volatile substance misuse problem in the community, forming an action committee to tackle the problem, developing a profile of the type of misuse occurring in a community, identifying the resources a community has to deal with the misuse, developing strategies for dealing with and preventing the misuse, implementing those strategies and communicating them to the community, and monitoring and evaluating the effectiveness of those strategies.

Cabinet has given approval for the Queensland Drug Coordination Committee to develop a whole-of-government response to the misuse issue which we will consider in 12 months time. We want this strategy to work. I make it clear that we are also prepared to consider legislative changes if necessary. We will look at issues such as where some of these items are located in hardware stores and whether we should prohibit sales to people under 18. We are not prepared to allow young people to destroy their brains and their futures. We are prepared to, in some circumstances, make certain behaviour illegal to empower the police. Currently, the police have significant powers to intervene in these circumstances, but we have to move in a bipartisan way to protect our children.

Provision of Health Services, Western Queensland

Mr JOHNSON: I refer the Minister for Health to her philosophy that it is cheaper to let people die rather than treat them, and I ask: why does the minister also have a philosophy that doctors are guilty until proven innocent? Isn't it true that after almost 15 years of distinguished service the flying doctor based in Charleville serving western Queensland has been stood aside and that so far five different locums have been used to carry out his clinics? Minister, why can't this highly respected doctor be permitted to continue to service the communities of the west, under supervision if necessary, until the concerns which seem to have been orchestrated can be investigated?

Mrs EDMOND: Where issues have been raised regarding clinical staff, those issues have to be taken seriously. They are dealt with as an operational matter. They are not something where the Health Minister directly intervenes and says this or that doctor should be allowed to continue. I know that in some of the other instances that the local member has been involved in there have been ongoing issues and a range of issues. I would suggest to the local member that he allow due processes to take their time and to be accorded to all of the people involved. It is Queensland Health that bears the brunt when we do not take action, for whatever reason. We have to ensure that our services reach the standards and quality expected from the patients out there. If there are issues of that nature, then they have to be dealt with operationally by the appropriate standards and dealt with appropriately—not dealt with by political expediency by me, the member opposite or any other politician.

Senate Vacancy; Resignation of Senator Herron

Mr TERRY SULLIVAN: I ask the Premier: how long should it take to fill the Senate vacancy caused by Senator Herron's sudden decision to take up a diplomatic posting to Ireland and the Holy See?

Mr BEATTIE: I thank the honourable member for his question. I have written to the Leader of the Liberal Party, and I table a copy of that letter. He and I had the opportunity for a very brief discussion about this issue this morning. As honourable members would know, John Herron resigned from the Senate on 5 September and it is up to the Liberals to find a replacement for him. The question is—this is a little bit like some of the dramas of Hamlet and so on—who shall it be? That is the question. Now, who wants to be a senator in the Liberal Party? There does not seem to be any shortage of them. I want to pay tribute to the member for Caloundra. The honourable member for Caloundra has done the right thing. She has stood by her electorate. Joan, well done!

Mr Welford interjected.

Mr BEATTIE: That is right; she did not want to become a John Herron. That is exactly right. What she did was stand by her electorate and therefore saved the people of Queensland a by-election and the costs that go with it. That is the right thing to do, Joan. As I said, well done! However, we have not yet seen the end of this little saga.

Government members interjected.

Mr BEATTIE: Oh, no! We have Santo on the right, because he is certainly not on the left. Santo knows that he is going to have difficulty coming back, because the honourable member for Clayfield is doing such a great job. He knows that he cannot win the seat of Clayfield back, so what does he do?

A government member interjected.

Mr BEATTIE: That is right; Bob Tucker does not want him back. At the first opportunity—

A government member interjected.

Mr BEATTIE: I am about to come to Bob Quinn. I am supporting Bob. Leave Bob alone. He is doing a good job.

Mr Schwarten: He doesn't want Santo back.

Mr BEATTIE: No, he does not. But Santo is in there. Under the rules, the Tucker group do not want him in the Senate either. They are trying to put him up masquerading as a John Howard supporter, but really they want him to go to Canberra as part of the right of the Liberal Party to support Peter Costello. That is the real agenda here. But let us look at the timing of this. Arrangements have been put in place to ensure the parliament can appoint a replacement for John Herron as soon as possible, and the Speaker made a statement about that today. Normally we are required to appoint a new senator within seven to 14 days of the Speaker informing the House. However, we are not due to sit in the time frame so standing orders will have to be suspended. I have written to the Leader of the Liberal Party, as I indicated, seeking to have a nominee as quickly as possible. But even if members of the Liberals do manage to put their differences aside and find someone before 22 October, it will still mean that Queenslanders have been without full Senate representation on the 14 days on which the upper house will have sat since Senator Herron quit—14 days.

Mr Terry Sullivan: He only just got sworn in.

Mr BEATTIE: That is exactly right. Frankly, I do not think that that is good enough. We have to remember that under the Constitution the Senate is the state's House and the Senate is entitled to have a representative from Queensland in every one of those spots. All I can say to Bob, though, after the weekend is good luck. I know he has an executive he does not like, but he had a bit of a win so good luck. We are still right behind you, Bob. We are sticking with you. Our money is on you, Bob. We are with you.

General Agreement on Trade in Services

Miss ELISA ROBERTS: I ask the Premier: with the federal government soon to be finalising Australia's commitment to GATS, will the Premier outline the specific sectors which he has been lobbying against being included in the final agreement?

Mr BEATTIE: Let us talk about this very important issue. We have worked very closely with the federal Minister for Trade who, notwithstanding our political differences, is doing a good job. He is a decent person and we share his view.

Let me deal with these general issues. The most important issue relates to services. I do not know if the member is aware of this detail, but services account for roughly one-quarter of

Queensland's exports and are a major contributor to employment growth in Queensland, and that will continue. The government supports efforts to have bilateral agreement with the United States of America, and I am on public record saying that. It also wants to support the federal government's move to get whatever benefits it can from freeing up trade and opportunities where services are promoted as part of Queensland's broad trade and community interests.

Responsibility for negotiations on international trade agreements, such as the General Agreement on Trade in Services, lies with the Commonwealth government. The World Trade Organisation members are currently engaged in a new round of negotiations on services which, as a starting point, involve each country making efforts to open up aspects of their services sectors and specific requests for the opening of other members' markets. Countries are under no obligation to agree to request to open particular sectors. I make that point because that answers the member's question.

Based on Commonwealth advice, I am satisfied that current GATS negotiations will not undermine the Queensland government's ability to determine its own policies in relation to publicly provided education and health services. Based on advice from the Commonwealth I am also satisfied that GATS rules recognise the right of government to regulate the services sector. World Trade Organisation members publicly restated this right at the recent ministerial meeting in Doha. The government has actively sought to ensure that Queensland's interests are taken into account as the Commonwealth develops its negotiating positions on this and other trade agreements.

I will enlarge on that and say this: when you have 19.5 million people, trade creates jobs. One in four jobs in the regions in this state comes from trade. Of every job in this state, one in five comes from trade. When you have a small domestic market, you have to export to the world. We have to use our brains. Smart State is multidimensional; it includes developing a very aggressive trade culture and it incorporates exporting to the world everything from sugar to services—you name it. We have to be aggressive about those opportunities. We are a small nation numerically. If you add New Zealand's population, we still have only 22.5 million people.

We have to export. Trade is fundamentally important to growth in jobs in the electorate of Gympie and in every over electorate in this state. We have to open up as many opportunities as we can while at the same time protecting our own enterprises and taking them to the world. We have to take Queensland exports, Queensland businesses and Queensland opportunities to the world. That is where the jobs will be.

Nurses

Mr MICKEL: I refer the Minister for Health to comments attributed to the federal Minister for Health, Senator Patterson, in which she highlighted that there was a national nursing shortage. What is the Queensland government doing to recruit extra nurses?

Mrs EDMOND: That is an excellent question and I have asked my department for a comprehensive briefing on the report released yesterday. It certainly came as no surprise because we in this government have from day one recognised the local national and global nursing shortage. Indeed, we recognised it when we were in opposition and started planning how to address it, and we have led the other states in this area.

Prior to the 1999 election we developed the policy of having a ministerial task force to examine nursing recruitment and retention issues. That task force started in October 1988 and produced a report in November 1999. As a result we implemented a number of strategies to address both recruitment and retention, and these strategies have had considerable success. The Queensland Tertiary Admissions Centre report for 2002 shows a strong demand for pre-registration nursing courses across all Queensland universities, with interest in all universities exceeding available placements. This is great news and there should be more places available for nursing, and we have lobbied strongly for this.

The Commonwealth has identified a need for an extra 600 nursing places across Australia. The University of Queensland is in the process of applying for a new 200-place nursing course and the federal government should fund that as a top priority. For 2002 a total of 2,644 students nominated nursing as their first preference—a rise of 19 per cent over the previous year. This subsequently led to a record 1,558 students enrolling, which was seven per cent up on the numbers commencing nursing studies in 2001.

But attracting students into degree courses is only one part of the process of employing graduate nurses into our system. Undergraduate nursing scholarships are now offered each year. Each year almost 1,000 graduate nurses from seven nursing faculties interstate and overseas

seek employment within the health care industry in Queensland. We have also introduced the new nursing web site, www.thinknursing.com, which hosts an Internet recruitment campaign advertising vacant Queensland Health nursing positions.

We have also introduced the Queensland Health nursing re-entry assistance scheme, which I recently launched. That scheme has received in excess of 400 inquiries, and this morning I am advised that 22 nurses have already re-entered the work force. Retention rates have improved significantly from the 20 per cent and more in the coalition days.

This government has made an election commitment to recruit at least 1,500 graduate nurses over a three-year period, and we are way ahead of that schedule. The government's initiatives have led us to the position where Queensland Health has around a five per cent vacancy rate for nursing, and most of these are filled by agencies and casual staff. This is far less than that experienced by most states and indeed internationally.

The Queensland government values our nurses and remains committed to the recruitment and retention of nurses in the public health sector, and I urge the federal government to support Queensland in what it has been doing.

Mr SPEAKER: Order! Before calling the member for Maroochydore, I welcome to the public gallery students, parents and teachers from Southport State School in the electorate of Southport.

Radiation Therapy Treatment Waiting Lists

Miss SIMPSON: My question is directed to the Minister for Health. I acknowledge the introduction of new radiation therapy equipment at Princess Alexandra and Royal Brisbane hospitals. I also note that currently priority 2 patients are forced to wait up to five weeks for treatment and priority 3 patients up to two months, and I ask why are priority 2 and 3 patients not receiving treatment within best practice guidelines? Considering there is a massive shortage of radiation therapists in Queensland, how does the minister expect to use the new resource to capacity to reduce waiting lists, or has she decided that, like renal patients, these patients do not have quality of life and therefore do not need treatment?

Mrs EDMOND: It has been suggested that there is a shortage of radiation therapists for a range of reasons, including the fact that some people go overseas, et cetera, and others go interstate. It is certainly true, and I can speak from experience, that many young health professionals travel overseas to work and gain experience but most return, and radiation therapists are no exception. Some of them also leave the profession to go into other exciting professions such as politics.

The most recent national figures indicate that of those radiation therapists who leave positions, 13 per cent leave for employment overseas, others leave for employment within the state, for maternity or other leave, for retirement, for employment interstate or to pursue a different career, as the member has already heard. In Queensland we have added to the national shortage by creating a whole new radiation oncology unit at the Princess Alexandra Hospital, which the member mentioned. We are one of the very few states in Australia that has actually seen a boom in radiation therapy and an expansion of services as part of the radiation oncology services plan I introduced—a $28 million plan which will see an exciting new wave of improved equipment and so on when we move radiation oncology, and of course the new and improved equipment, into the new unit at the Royal Brisbane Hospital at the end of this year.

When the member for Toowoomba South was Minister for Health he did not allocate any funding whatsoever to actually upgrade the 30-year-old equipment at the Royal Brisbane Hospital, so that has had to be funded. Otherwise we would have been trying to move 30-year-old equipment which is so out of date it has a lot of down time. That will usher in a new generation of radiation oncology equipment.

Certainly there are a number of vacancies in Queensland at the moment. I understand that Townsville has recently been very successful in its recruiting program. I think it has only one vacancy at the moment. I understand that the Royal Brisbane Hospital has recruited a number of staff to fill the vacancies it has had. Opening up a whole new department and having to recruit staff for that new department has attracted people from interstate and created other vacancies. We cannot expand services without creating new jobs and therefore new vacancies.

My understanding is that all urgent radiation therapy is received on the same day it is required. Any reduction in the waiting time is something we will be working for as fast as we can.

My understanding is also that the vacancy rates in Queensland are lower than they are in New South Wales and Victoria. We will continue to work with the radiation oncologists and radiation therapists to address this shortfall. I welcome the recent news from the federal minister that the Commonwealth will be increasing the number of radiation therapist training places around Australia. Queensland will also increase those numbers.

Public Sector, Enterprise Bargaining

Mrs LAVARCH: My question is directed to the Minister for Industrial Relations. Can the minister update the House on the government's current enterprise bargaining negotiations with unions representing its employees?

Mr Seeney: Don't look like a winner.

Mr NUTTALL: Winners are grinners, son. I would like to thank the honourable member for the question. As most honourable members would be aware, the government certainly has made a lot of progress, in particular last week, in our round of negotiations on enterprise bargaining with our employees.

On Friday of last week the Queensland Police Union agreed to support the government's offer of an underlying 3.5 per cent per annum for the state's police officers—that is the fourth deal in the last month—and that offer will go to a ballot in this current round of enterprise bargaining. More than 8,500 police officers will vote on the government's offer in the coming weeks.

On Thursday of last week unions representing the Queensland Ambulance Service also agreed to put to its members an offer of 3.5 per cent per annum, or 3.8 per cent every 13 months for 39 months. That offer will go to its delegates and to the 2,200 ambulance workers around the state. Another 27,000 health workers around Queensland are currently undergoing a ballot on our offer of 3.85 per cent every 13 months for 39 months. Again, that is 3.5 per cent per annum. As honourable members would be aware, some 1,300 Q-Build workers have agreed to a $25 offer, or 3.5 per cent per annum over three years.

There is no doubt that these acceptances are quite significant. We are quite happy about the fact that we have now have had four offers agreed to. They represent a pay rise for almost 40,000 workers throughout Queensland. Those agreements are a credit to both the trade unions and this government for being able to negotiate a successful outcome for both sides that we believe is fair and reasonable for all concerned.

When we set out on these negotiations some three months ago I said that our workers deserved a fair pay rise which was in line with community standards. Our initial offer of three per cent was increased to 3.5 per cent, and we did that because we do value the employees of the state government.

As many members of the House would be aware, there have been four agreements out of the seven. Three agreements are yet to be finalised. One is in the area of Main Roads. We are hopeful of finalising that in the not-too-distant future. The agreement with the Teachers Union does not expire until the end of February next year, however we are currently in discussions with the Teachers Union. Of course, the Queensland Nurses Union is currently before the federal Industrial Relations Commission, and we hope for a suitable outcome.

Workplace Bullying

Mr QUINN: I refer the Minister for Industrial Relations to the government's much-championed anti-workplace-bullying laws aimed at stamping out all forms of intimidation and harassment in the workplace, and I ask: will the minister assure this House of his total commitment to stamping out harassment in the workplace by giving an undertaking that these laws will be extended to make it illegal for unions to intimidate workers by sending scab letters? Will the minister give a further commitment that these laws will make it illegal and impose severe punishment on anyone who intimidates a worker who may wish to cross a picket line?

Mr NUTTALL: Honourable members may or may not be aware that once the report on workplace bullying was handed down I took that report to cabinet. The government has established an interdepartmental committee to work through the issues raised in the report. That committee is comprised of people from the Premier's Department, the Office of the Public Service, Treasury and my department and it will look at the recommendations in that report.

The recommendations in the report relate to the issue of bullying in the workplace. They do not relate to some of the issues raised by the honourable member for Robina, and they should

not. Workplace bullying is not about some of the industrial issues the member has raised, such as picket lines, unions allegedly sending out intimidatory letters or whatever. If the member has any evidence that people are intimidating others he should come forward and perhaps it should be dealt with in the Industrial Relations Commission.

The government is committed to addressing the issue of workplace bullying. That was a commitment we gave before the last state election. We are fulfilling that obligation. As I said, the interdepartmental committee will work its way through the recommendations and I will take a submission to cabinet in due course.

Telstra

Mrs CHRISTINE SCOTT: I refer the Minister for Primary Industries and Rural Communities to the Howard government's renewed push to sell Telstra. Could the minister inform the House of the progress of the federal government's regional telecommunications inquiry?

Mr PALASZCZUK: I thank the member for her question and I note her deep concerns about telecommunications as they exist in rural and regional Queensland. Before the last federal election, Prime Minister John Howard promised that he would not sell another share in Telstra unless the situation in rural and regional Queensland was fixed. As we know, that promise was dropped weeks after the last federal election. Now there is a concerted effort to sell off the remaining portion of Telstra.

Last month the federal Communications Minister, Richard Alston, announced that the regional telecommunications inquiry had been established to review services in rural, regional and remote Queensland. This inquiry was supposed to be modelled on the Besley inquiry but operate under a new chairperson, Moree cotton grower Dick Estens. I have expressed concerns about the terms of reference of this inquiry, and I have also written to Mr Estens urging him to undertake wide-ranging consultation with rural and regional Australia.

The previous inquiry did visit centres such as Mount Isa, Roma, Longreach, Mackay, Cooktown and Brisbane, and it also held a teleconference. I have not yet received any response to correspondence I posted to Mr Estens weeks ago, but I am now advised that the regional telecommunications inquiry will not hold any rural or regional meetings.

I am further advised that the deadline for public submissions is 27 September. That is only 10 days away. This is the regional telecommunications inquiry you have when you are not having a regional telecommunications inquiry. This sounds like a matter of 'don't call us, we'll call you'. But people can call the regional telecommunications inquiry on 1800 064 851—that is, if the phones work. I would therefore urge people in rural and regional Queensland to call the inquiry.

I request the Leader of the Opposition to stand shoulder to shoulder with me in my efforts to ensure that people in rural and regional Queensland get a fair go. People over the length and breadth of Queensland want to make sure that their telecommunications services are the same—no different—as those of people who live in the cities. Unless we can achieve those results, I do not believe that what the federal government is trying to do matters at all to people who live in rural and regional Queensland.

Gympie Hospital, Medical Superintendent

Mr SEENEY: The people of rural Queensland will support the Minister for Primary Industries to the same extent that he has always supported us. My question is directed to the Minister for Health. Can she confirm that the medical superintendent of Gympie Hospital, who has been on leave for several months, has now resigned? How confident can the people of Gympie and district be that Queensland Health will fill this critical position quickly? Given that a temporary position was advertised and not formally filled and given that public obstetrics is unavailable at this important hospital, will she guarantee that other services will not be further downgraded?

Mrs EDMOND: The medical superintendent at Gympie Hospital was in the situation where he had both public and private patients. My understanding is that he has had extended leave, during which time he was going to consider whether he wished to continue in the role of medical superintendent with a private practice or to concentrate in the future on his private practice. I am not aware that he has actually made that decision. If the honourable member is telling me that he has, I accept that. My understanding was that he was going to indicate his decision to us and give us notice when he had made up his mind. He is certainly recognised as a very good clinician

and I wish him well if he has decided to continue to work in private practice. My understanding is that, if he did so, he was intending to stay in the local Gympie area and would look forward to continue working with the Gympie Hospital.

In some ways, it will be easier to recruit once his future has been determined. There has been a considerable amount of interest in the position of medical superintendent at Gympie, but not as a short-term vacancy for a locum position. With his position and his future clarified it might help us to recruit someone for that position. We have been very successful in recruiting people for a number of medical positions at Gympie Hospital, and I am very pleased about that. We have been working very closely with the work force in Gympie to address shortfalls in skills—shortfalls which have led to some limitations in services being provided. Hopefully, once his position is clear, it will make it easier to recruit to the medical superintendent position.

Incompetent Builders, Bans

Ms MOLLOY: My question is directed to the Minister for Public Works and Minister for Housing. I refer to yesterday's decision by State Cabinet to ban rogue builders from the industry, and I ask: what effect will these reforms have on the Queensland building industry?

Mr SCHWARTEN: I thank the honourable member for her question and for her ongoing commitment to the building industry on the Sunshine Coast. The reality is that this will have a very positive effect on the building industry in Queensland because it means that, for the first time in this state's history, we will be able to rid ourselves of people who prove that they are incompetent at either financially or technically dealing with a contract, or people who thumb their noses at the whole contract process.

We have a tiny group of people in this state who seem not to want to be able to cooperate with this government in terms of the laws that we have in place. Already we have seen the reforms that were brought before this parliament by my predecessor, the Minister for Families, Judy Spence. Evidence of these reforms is the fact that we have some 130 businesses and people, according to the list which was published in today's *Courier-Mail*, who have been banned for five years. So, the detection process is already occurring. Industry is telling me that they want to be rid of unwelcome and incapable people for life.

No doubt the reforms that we are proposing, namely to ban people for life, will be as unwelcome as an echidna in a balloon factory to those people who want to be shonky, but the peak agencies such as the Queensland Master Builders Association welcome these types of reforms. Basically, what we will be saying is that if people persist with incompetence, if they persist with being incapable of having any financial basis upon which to run their businesses—in other words, if they go broke once—they receive a five-year ban. If they do it again, they receive a lifetime ban. If people want to strip their assets and are convicted under Commonwealth laws, that is a basis for us to go to a life ban.

I believe that, just as every other profession deals with incompetent people by way of life bans as being the most appropriate and ultimate sanction, it is overdue that the same thing occurs in the building industry. Drink drivers who persist with their habits are ultimately banned from driving on our roads. I believe that builders who continue to do the wrong thing by consumers, subcontractors and the industry generally ought to be banned for life.

Mr Seeney: What about the member for Capalaba?

Mr SCHWARTEN: What about the boofhead over there?

Mr Seeney interjected.

Mr SPEAKER: Order!

Mr SCHWARTEN: Obviously, the opposition—especially the member for Callide—would seek to be out there and protect people like this, but we in the government take a different view.

Mr SEENEY: I rise to a point of order. The minister is protecting his mates. That is the issue he needs to address.

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

Mr SEENEY: I find the minister's comment that I would protect people who do the wrong thing in the building industry offensive and I seek that it be withdrawn.

Mr SCHWARTEN: I withdraw, but I seek a similar withdrawal from the honourable member who has made an offensive and untrue statement—that I would seek to protect my mates in this regard. It is unfair, it is untrue and it is beneath contempt. I ask that he withdraw it.

Mr Seeney interjected.

Mr SPEAKER: Order! Just withdraw.

Mr SEENEY: I withdraw whatever the member for Rockhampton finds offensive.

Health Services, International Tender

Ms LEE LONG: My question is directed to the Minister for Health. As we continue to see our services in public hospitals and dental clinics decline through lack of beds, staff and equipment as evidenced in the *Cairns Post* of Friday, 6 September 2002—and I table this document for everyone to see—my question is: does she expect that health services will be put up for international tender, either partially in bits and pieces or as a whole, once the federal government signs off on the General Agreement on Trade in Services—or GATS as it is commonly known—early next year?

Mrs EDMOND: The member has not been in parliament very long. If she had been in parliament when we were in opposition she would have remembered the Fitzgerald report organised by the previous Treasurer, the member for Caloundra, which advocated exactly that. It advocated that all health services should be sold off to the highest bidder. I think I identified at the time that only the morgues and the gardens would be exempt.

Mrs SHELDON: I rise to a point of order. The minister is misleading the House. I ask her to withdraw that comment. Possibly, she might like to read the commission of audit.

Mrs EDMOND: I have read the commission of audit and I have read the recommendations. I acknowledge that in the face of—

Mrs Sheldon interjected.

Mrs EDMOND: I withdraw. I refer members to the copy of the report which contains the recommendations. I believe it is in the Parliamentary Library. At the time, I remember being appalled to see that anyone could be advocating the selling off of our ambulatory services, our outpatient services, our inpatient services, our cleaning services, our radiotherapy services and our radiology services. In fact, she listed everything except, perhaps, the morgues and the gardens of our public hospitals.

As a proud Queenslander and as a proud Labor Health Minister I can assure the honourable member that we have absolutely no intention of privatising the health services of Queensland. Yes, we struggle, as does everywhere around the western world, with the increasing demand for health services. That is why it is disappointing to see that the $2.5 billion that the federal government puts into the private insurance system each and every year is not delivering any extra services and is not taking any pressure off the public health system. Perhaps what the honourable member should be doing is advocating to the federal government that it should put some of that $2.5 billion into providing services for Queenslanders and Australians. The money should be put into the public health system. If Queensland received its share of that private health funding we would receive $500 million each and every year. If that amount was going into our public health system I can guarantee that I could address many of the issues that the member raises on a regular basis about the need for extra services. There are a whole range of things that I would like to do across the health system that we cannot afford to do at the moment. But if that $500 million was coming into Queensland from the federal government, then perhaps we could look at providing those services. We could look at whether or not they would provide a better quality of life for people living in rural areas, in our city areas—right across the state. I can give a total guarantee that this government has no intention of flogging off our health services to anyone, even the highest bidder.

E-Courts

Mrs ATTWOOD: I refer the Attorney-General and Minister for Justice to the increasing use of Internet technology across all industry sectors, and I ask: can this technology be applied to our courts to help reduce hearing times and to cut costs?

Mr WELFORD: I thank the honourable member for her question, and it is a timely question. As honourable members know, since becoming Minister for Justice, I have taken a keen interest in developing the capability of our courts system to provide greater access to justice. I am pleased

to advise members of the House that Queensland's first court case based on Internet technology has just begun in Brisbane. The high-tech facilities being used have the potential to cut trial costs by up to 30 per cent.

This major corporate case, Emanuel Management Pty Ltd (in liquidation) v. Fosters Brewing Group Ltd and Coopers and Lybrand and others, is being held in the Banco Court of the Supreme Court of Queensland in Brisbane. The courtroom is equipped with technology that dramatically reduces the need for paper based material and makes it quicker for lawyers, who are tending to use computer databases more and more to store files, to access information.

What we are seeing in the Banco Court is the way of the future for all our courts. These electronic court, or e-courts, will speed up proceedings by reducing hearing times, cutting down on the backlog of cases confronting our courts, and reducing costs to clients. Facilities in electronic courtrooms include computers with fast and secure Internet access, software for displaying evidence, and tools to allow lawyers to log on to their own computer system at their offices without leaving the courtroom. Instead of lawyers marching into court with trolleys laden with files that are photocopied many times over at the expense of the client, they will now be able to upload their files automatically so that they can be accessed easily by all parties and the court itself. Documents can also be displayed on a large electronic projection screen in the courtroom. This technology can be used in both civil and criminal cases in the District and Supreme courts.

The economic benefits of e-courts to Queensland will be increasingly significant. E-courts and the smarter use of technology in our courts have the ability to attract large-scale commercial litigation cases to our state. These have been traditionally run through courts in New South Wales and Victoria. Our government is committed to the continuing improvement of courts technology, systems and procedures to ensure swift and accessible justice to all.

Beaudesert Hospital Obstetrician

Mr LINGARD: I direct a question to the Minister for Health. Her department promised the people of Beaudesert that the minister would reopen the obstetrics department of the Beaudesert Hospital on 5 August. Once again, the minister has failed the people of Beaudesert, to the point that she now has a letter from a local doctor stating—

The management appears to be deliberately making it impossible to re-establish services at Beaudesert Hospital.

Why does the minister continue to break her promises?

Mrs EDMOND: The member is aware of the issues at Beaudesert. I understand that he has been briefed fully on them and why we had a vacancy there.

A government member interjected.

Mrs EDMOND: The member does not wish to acknowledge that at the moment, no. The shortage of obstetricians is a worldwide problem. I do not think that anyone who reads any medical literature could dispute that. It is partly due to increasing concern around the world—in the UK, in the US; everywhere—about the rise of litigation. As people know, we have done our bit in Queensland to address that. We have also, of course, extended protection for medical indemnity claims to more rural doctors and medical specialists.

The reason that we were restarting obstetrics services in Beaudesert is quite simple. We had gone out and advertised extensively and recruited somebody who applied for that position in the knowledge that we were delivering a lot of babies at Beaudesert Hospital. It is a very active birthing unit when it is available.

Mr Lingard interjected.

Mrs EDMOND: We recruited someone on the basis of their obstetric skills. He applied for the position, saying that he had those skills. After he was recruited, after he started, he gave us very short notice to say that he no longer wished to deliver babies.

That is a great disappointment to all of us. I have told Beaudesert management that they must fast track any more recruitment. But it is very disappointing that someone applies for a job in the knowledge that it is about providing an obstetrics service, they accept that job, they move in, get upskilling at the cost of the Health Department, and then decide that they no longer wish to be involved.

I am very disappointed, I am sure that the residents of Beaudesert are disappointed, and I give my apologies to them. But we will fast track any recruitment that we can.

Mr SPEAKER: Order! Before calling the member for Cairns, could I welcome to the public gallery students and teachers from Childers State School in the electorate of Burnett.

Ecotourism

Ms BOYLE: I direct a question to the Minister for Tourism and Racing and Minister for Fair Trading. The minister told parliament last month that Queensland had a strategy to become the No. 1 ecotourism destination in the world. In light of the fact that Queensland is hosting a major ecotourism conference in Cairns next month I ask: how significant is this conference? Is there an opportunity to boost Queensland's ecotourism credentials?

Ms ROSE: I thank the member for her question. She has maintained a great interest in tourism and she is a passionate advocate for the industry in the far north. More than 600 international and national delegates will be in Cairns next month for Australia's first ever international ecotourism conference. The international ecotourism conference—A World of Difference—will be jointly hosted by Tourism Queensland and the Ecotourism Association of Australia and has been endorsed by the United Nations and the World Tourism Organisation. Aboriginal activist Noel Pearson, avid adventurer Sorell Wilby, and former UN weapons inspector Richard Butler will join other delegates at the conference, which has been billed as a finale to the International Year of Ecotourism 2002 activities.

Ecotourism in Queensland is forecast to grow at up to 20 per cent a year, making the timing of the conference perfect. Ecotourism is one of Queensland's—and, indeed Australia's—boom tourism markets and it is important that we stay on top of how we can best develop this market further in a sustainable manner. The conference will bring together a swag of high-profile speakers, including Dr Tim Flannery, Noel Pearson, former Brisbane Lord Mayor Sallyanne Atkinson, and federal Tourism Minister Joe Hockey.

We are expecting a wide range of delegates to attend the conference. There will be operators, planning bodies, consultants, academics and representatives of federal, state and territory tourism policy and funding agencies. At least half of the early conference registrations are from other countries, which indicates that we will enjoy a truly international event. The conference will address many issues relevant to the development of ecotourism in Australia and around the world, including ecotourism policy, planning and development, indigenous issues and sustainability. The presenters will bring a great range of topics and viewpoints to the conference and will appeal to the differing focuses of the delegates.

It is envisaged that one of the main outcomes of the conference will be a charter for public and private partnerships in ecotourism that will have global ramifications for the ecotourism industry. We are very excited about this conference, its potential outcomes and the exposure that Queensland will enjoy as a result of hosting it.

Queensland Ambulance Service, Gladstone

Mrs LIZ CUNNINGHAM: I direct a question to the Minister for Emergency Services. Last week, a resident of my electorate called in to the Queensland ambulance station in Gladstone seeking a waterproof dressing for her injured finger. They had none. She gained the impression that within a few months there would be no walk-in services at QAS stations at all. I ask: does the minister support this continuing decline in services being experienced by our residents or will he resource Queensland ambulance officers adequately to ensure that they can support the community in the way these dedicated and professional officers wish?

Mr REYNOLDS: As minister, I have taken a very close interest in our ambulance officers and the work that they are doing and also of course the resources that we provide to them. In terms of the Beattie government over the last four-and-a-quarter years, we have given an additional $98 million. That is a record amount of money that has gone into ambulance services. If we look back to the last coalition budget for ambulance, it was in the order of $155 million. Our last budget, as the member for Mirani knows, was $253 million. The member would agree with me that there was a $98 million difference. In regard to the particulars the member has given me today in regard to the Gladstone ambulance station, I will check those out and let the member know as soon as possible in regard to that instance. I am determined, as is the Beattie government, to make sure that we continue to provide an excellent ambulance service for the state of Queensland.

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

MATTERS OF PUBLIC INTEREST

Smart State

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (11.31 a.m.): For the past couple of years Premier Peter Beattie has been pumping out Smart State press releases as though his life depended on it. He shoved the party mantra down the throats of Queenslanders as though we need to live and die by it. Who knows how much taxpayers' money Mr Beattie has spent to drive home his message. The only problem is that it seems to have lost its way. When the Premier announced Queensland would be the Smart State in 2000 he said that the aim was to develop Queensland as an Asia-Pacific hub for new industries of the 21st century. This included biotechnology, information technology, nanotechnology and communication technology. Smart State would also apply to mining, manufacturing and construction. It seems to have worked its way into every facet of life that the Premier can get his fingers on. Lo and behold, last month a Brisbane marketing survey revealed that the Smart State publicity scam has failed abysmally. It is a farce and an expensive and showy stunt aimed more at giving the Premier a slogan than providing any benefit to Queensland. It is basically another Beattie bungle.

An honourable member: Table it.

Mr HORAN: There you go; I will table it. This is what industry thought when Queensland was mentioned. When interstate industries were asked what they thought when they thought of Queensland, the 'smart' in Smart State did not rate a mention. How many signatories associated Queensland with science and research? The answer is none, nil, zero. How many thought of business and professional services? That would be zero again. Surely Queensland rated in wholesale and retail trade. Nope. Again, a big fat zero. In manufacturing, again, there was no score. Meanwhile, Sydney and Melbourne dominated all of these industries; but their governments have not seen the need to impose the cheesy 'smart' reference on their number plates. They have not injected millions of dollars into creating an internal perception. The difference is that the New South Wales and Victorian governments have spent their money on actions—not on words. Only one industry representative recognised Queensland—for finance, insurance and banking. The same goes for construction.

Meanwhile, how many people acknowledged Brisbane as a business centre? A lousy two per cent. How many considered Brisbane as an international or global hub of the Asia-Pacific? That would be three per cent. Is Brisbane innovative? Ten per cent thought so. Finally, how many people associate information technology with Brisbane? Just two per cent. So, a question immediately jumps into mind. What on earth is information technology minister Mr Lucas doing? Was he not one of the $200 million men in budget terms in the cabinet? Here we have yet another dud minister and another blatant waste of taxpayers' money. What has the Premier done? He has spent millions of dollars on new number plates and changing logos to incorporate his beleaguered Smart State mantra. The Premier has invented the wheel as such. The only problem is that, like so much the Premier does, the wheel does not work. Now Queensland is locked in neutral. We are not going anywhere. People around the country do not recognise Queensland as the Smart State. Why spend so much effort preaching to the converted? We already know we are smart.

The Queensland people are not interested in the government spending millions and millions of dollars on two words that do not achieve anything. It is just another example of wasted money on self-promotion, money that could be spent on something that is worthwhile and of real substance and value to the state. We have become a propaganda state, not a state of substance. The Premier and the Smart State have a lot in common. They both are hollow and they both are designed to push an image that is a blatant waste of taxpayers' money. Have we not seen all this before? Remember the jobs, jobs, jobs? That was the first term slogan and what a flop that turned out to be! What is the legacy of government by slogan? Queensland has had the highest unemployment rate for mainland Australia for two years. How many millions of dollars of taxpayers' money did it spend on 'jobs, jobs and jobs, and, five per cent' just to deliver us the worst unemployment figures in mainland Australia, something we have had each and every month for the past 24 months? This is something not missed by our interstate counterparts.

I highlight another graph, graph No. 2. Only four per cent of respondents saw Queensland as a state with employment opportunities. All the money wasted on jobs, jobs and jobs and the five per cent stunt is of no value. Other states see us as having the worst unemployment figures in mainland Australia. I table once again paper No. 2 of this marketing report and investigation. We have the Smart State, a Beattie punchline that barely anyone in Queensland has been able

to escape because it is forced on everybody, but it seems everybody else in the country has missed it. But that was the aim—to make Queenslanders believe that the Beattie government was doing all it could to promote these so-called Smart State industries. Smart State is a con job on the people of Queensland that has cost them millions and has not delivered any results.

What has Mr Beattie done to make Queensland smarter? Queensland has 18.5 per cent of Australia's population, yet Australia's Bureau of Statistics figures for this year show we contribute only 11 per cent of Australia's research and development expenditure. We have 13 per cent of Australia's information communication technology businesses and less than 10 per cent of ICT employees. Considering that Queensland has almost 17 per cent of ICT university places, it is obvious that there is a mass exodus of university graduates heading south and that the minister for information technology has been an obvious failure. Instead of having a Smart State, we have a brain drain. Why? Because more than 90 per cent of the top 250 ICT companies are headquartered in New South Wales and Victoria; in fact, more are headquartered in South Australia than Queensland. So much for the millions the government is spending on the Smart State! But wait, there is more.

In June 2002, the CEO of Rainforest Cooperative Research Centres, Nigel Stork, wrote to the Science Research Policy and Strategy Group Manager in the Department of Innovation and Information Economy. He noted that the Beattie government's expenditure of $13 million in kind and $4 million in cash on cooperative research centres was vastly inadequate. I am sure he was not ringing up his friends in a hurry to tell them what a great deal the Smart State offered. Bear in mind that the Commonwealth increased its expenditure by 80 per cent this past financial year. Mr Stork also makes note of Premier Beattie's failure to recognise regional Queensland's biodiversity potential; instead, just concentrating on the south-east corner. There is a surprise—when a supposed Smart State initiative is applied, regional Queensland barely gets a look in. The truth is that the Premier is all froth and bubble. When it comes to delivering concrete results, we get nothing. His ego has proved the sole major drain on the Queensland economy and Queensland services. The money spent on image and publicity is the ultimate in political rorting.

The Premier is the emperor in his new clothes. He tells the Queensland public what he wants it to hear but he then stands alone and naked. He has nothing more than big talk, a slogan and millions of dollars of taxpayers' money wasted on this publicity. I have two words for the Premier—opportunity cost. The resources could and should have been spent in so many other areas. There are crises in emergency departments in our hospitals, surgical wards, cancer treatment, renal units, disability services and aged care. Everywhere we look in Queensland Health there are serious problems that need money spent on them. We do not need to see money spent on publicity slogans for the Premier.

We have a Health Minister who has given up on the system she oversees by encouraging a state sponsored euthanasia-type debate. Is that how the government plans to cover up the gross mishandling of our funds? How many people have to die in Queensland before there is an acknowledgment of the problem within the Health system? Within our Families Department how many children have to die or be placed on an ever-increasing waiting list of over 5,000 waiting for care and protection assessment before they acknowledge that there is a problem within the Families Department? How long do they have to waste resources on Smart State advertising and scams instead of spending it on real Queensland issues that people want fixed? Why has the Premier forfeited the health and welfare of the Queensland people in favour of a catchphrase that no-one but Labor hacks want to catch on to?

The Beattie Labor government may have the numbers in this House, but it has no substance. This keystone cabinet comprises a bunch of bumbling buffoons typified by the Minister for Innovation and Information Economy, who kowtow to their king of nonsense. The Premier promotes the Smart State as his own slogan. His government is Smart State. Now we see that Smart State is a flop. It has the might of a government entirely devoted to publicity behind it. It looks all shiny and bright, but scratch the surface and there is no substance, just millions of dollars of taxpayers' wasted money.

Time expired.

Fraser Lodge Village

Mr McNAMARA (Hervey Bay—ALP) (11.41 a.m.): I rise today to bring to the attention of the House a matter of very serious concern to a large group of mainly elderly residents in my electorate. In recent weeks I have met with the residents of the Fraser Lodge Village at 59 Truro

Street, Torquay, in relation to their very justified concerns about the withdrawal of services, the deterioration of facilities and a campaign of bullying, harassment and victimisation by the owners of Fraser Lodge Village. Fraser Lodge Village is a mobile home park and the issues I will detail in a moment illustrate very clearly why the review of the Mobile Homes Act being conducted by the Minister for Fair Trading, Merri Rose, is so important. I strongly support the minister's review of the legislation and look forward to seeing the new draft legislation, which I am informed will be released for public consultation around November.

There is no doubt that the injustice, neglect and oppression which the residents of Fraser Lodge Village have been suffering recently will only be alleviated by legislative reform to put some minimum service standards and protection of residents' rights into law. Residents of Fraser Lodge Village were enticed to live there with glossy brochures advertising a better way of life. They were told in writing that access to the fully tiled saltwater swimming pool and all facilities offered at the adjoining Fraser Lodge Carapark would be theirs. Bins were emptied twice a week by on-site managers. Their lawns were mowed and the gardens were trimmed regularly. Streetlight bulbs were replaced when they blew so that the park was well lit and they felt secure. Problems were dealt with promptly and without fuss by the on-site managers, who were friendly and accessible.

However, it all started to go wrong when the previous owner sold the village to a company called Deception Bay Holdings Pty Ltd, a company operated by Mr Blair Rowen, in January 2002. Mr Rowen, acting as manager for the company, immediately removed the on-site managers, giving residents a 1800 number on which they could contact him in Brisbane. The collection of bins ceased along with the supply of bin liner bags. The nightly security patrols were cancelled, as was the gardening and pool maintenance. After understandable complaints from residents, monthly pool maintenance was restored, although Mr Rowen is now wanting to charge extra for that. The use of the adjoining carapark facilities disappeared when it was sold separately. Security patrols were restored but the absence of on-site managers remains a very real concern for the elderly residents of the village.

I have met with the residents of Fraser Lodge Village. They are by and large retirees. A number among them have disabilities. There are some 35 residents currently. They are angry, disappointed and afraid. They do not need nursing home care but they chose Fraser Lodge Village because it had the level of support and security they needed at this time in their lives. Now not only is the support gone; if residents complain, they are abused, bullied and threatened by Mr Rowen. Numerous residents have told me of the verbal abuse they have suffered as a result of making the mistake of ringing Mr Rowen to voice concerns they might have about the park. They have been told to run the village themselves, including doing potentially dangerous work such as changing light bulbs on streetlights.

One resident, Mr Norm McGill, has been treated shamefully, and has been threatened with eviction for putting together an informal residents association. Mr McGill has lived at Fraser Lodge Village for over four years. He is a retired inspector of police from Victoria. He served in the Victorian police force for 28 years and is a recipient of the national police medal. He is a man of honesty and integrity. He is also not a man accustomed to being stood over and bullied. He and his wife have now had to suffer Mr Rowen threatening to continually move their home around the park until they leave.

The people at Fraser Lodge Village need some legislative protection from their rapacious absentee landlord. I look forward to seeing the minister's draft legislation to reform the Mobile Homes Act shortly. Elderly residents of mobile home parks need better protection of their rights and protection from the erosion of services which induced them to move there in the first place. They have a right to live peacefully. But if they have to meet collectively to discuss issues of common concern, they should be able to do so free from fear of victimisation. I support the right of all people to organise collectively to protect their rights, be they students, workers or retirees. It is a tragedy that I have had to report these matters to the parliament. I call on Mr Rowen to look at his behaviour towards the elderly and vulnerable residents of his park and to treat them with the respect and fairness to which they are entitled.

Mr Rowen had the temerity to send an email to a solicitor acting on behalf of Mr McGill telling him that I had politely dismissed the concerns of residents. Let me assure him that nothing could be further from the truth. I am deeply concerned at the treatment they have received and will stand up for their rights on every occasion. I will be discussing the new Mobile Homes Bill with the residents to ensure it meets their concerns. I will also be watching Mr Rowen's actions closely and encouraging him to meet the obligations of a good corporate citizen and fair landlord.

The Arts, Smart State

Ms LIDDY CLARK (Clayfield—ALP) (11.46 a.m.): I wish to bring to the attention of the House export issues for Queensland companies and want to highlight two arts companies that are smartly exporting Queensland products and services. One of our country's counterparts, Canada, continues to develop strong yet adaptable strategies for Canadian culture and trade in a global world. Most importantly, they recognise the intangible values of arts and culture within their own country that are so often challenging to measure against bureaucratic key performance indicators that have little meaning.

I quote from Canada's Department of Foreign Affairs and International Trade, which recognised the need to support local for global trade—

> As countries become more economically integrated, nations need strong domestic cultures and cultural expression to maintain their sovereignty and sense of identity.

Therefore, in order to develop and support smart government export initiatives, our Queensland arts and culture industries need to be further integrated into our Smart State strategies. This is already being demonstrated by the new arts syllabus that will be implemented in 2003 for students in preparatory year through to year 10. Increasingly, schools recognise that fine arts, drama, computer animation and other art forms not only assist students in their studies but also help them negotiate through social and cultural issues throughout their life. I want to commend the Minister for Education, the Hon. Anna Bligh, on this exciting syllabus that will provide lifelong learning opportunities for students to engage with the arts.

As we embrace these new educational changes for children and young people, we too need to identify ways that our arts and cultural industry are supported as smart Queensland businesses for export. I am aware of the diverse Queensland arts and cultural companies and individuals already exporting their products and services. However, many people are unaware of these success stories that continue to put Queensland on the global arts map. One company, Elision, is blasting the performance stages across the world. Since its formation in 1986, the Elision new music ensemble has established a highly recognised international profile. They have produced 13 compact disks and 33 international commissions supported by organisations in England, Canada, Holland, France and Japan.

Elision's approach is to nurture universal creative partnerships that are process oriented and collaborative in nature. This means that the ensemble has the ability to develop flexible and experimental performance practice which provides the opportunity to engage with a variety of artists and art forms. The ensemble consists of 20 amazing musicians from four Australian capital cities, Beijing, San Diego and Amsterdam.

So how does a Brisbane based company work across so many continents? Artistic Director Daryl Buckley sees no boundaries in creating and presenting performances across the globe, which therefore provides unlimited potential on what can be created. Daryl believes that exporting arts and cultural products and services is about using one's domestic budget to build up the context and relationships at the other end. While there are some challenges in creating transcontinental performances, Elision is securing wonderful commissions and creating incredible waves overseas.

At the other end of the arts spectrum is the Multimedia Art Asia-Pacific Festival, also know as MAAP. Established by Festival Director Kim Machan five years ago in Brisbane, MAAP is an established new media arts festival in the Asia-Pacific region. The festival specialises in profiling the region's new media arts practitioners, forging networks and creating dialogue between artists and audiences, and increasing the understanding of cultural, social and political landscapes through the experience of new media arts. In October and November this year the festival will be physically based in China, with financial support from the Chinese government, corporate sponsors and Arts Queensland. It is the first international contemporary exhibition in China to be coordinated by an overseas company and is already seeding opportunities in the region that will have many ancillary effects. It is fantastic. This not only includes an increased profile of Queensland art export and import but also raises awareness in cultural communication and understanding. This is an absolutely unbelievable feat by Kim, who sits in her Brisbane house using a laptop to coordinate the festival's partners, logistics, resources, programming and artists. This is not only smart but also progressive.

There are already extraordinary companies exporting their world-class arts and cultural products and services. We need to support these companies in Queensland so that they can expand as well as nurture new entrepreneurial ventures. We also need to understand that there

are no boundaries to develop arts export models that are fluid and inclusive for all Queenslanders to participate in and explore.

Rangers, Fraser Island

Dr KINGSTON (Maryborough—Ind) (11.51 a.m.): Today I rise to speak about the unreasonable actions of some rangers on Fraser Island. If the minister is interested, I have the full details of both of the events which I will now relate to the House. On Saturday, 8 September a group of eight fisherpersons arrived at Waddy Point on Fraser Island. They are frequent and experienced campers on Fraser Island. For the first three days they were visited in their camp by a ranger's son, who was extremely helpful. However, when they arrived back from fishing late the next day, there was a note from a different ranger saying that their camp was in need of attention. One couple has a camping trailer. They sleep on a bed on the top of the trailer. The trailer has drawers and a central storage area. The internal height of the central storage area under the bed is 35 centimetres. The rear door of the trailer pivots and provides a safe place for cooking utensils and an obstruction to dingoes.

At around 7.30 the next morning two rangers arrived. The campers had just finished breakfast and had not prepared to leave the camp and thus had not tidied up the camp. One ranger asked if they had seen the warning that their camp was not satisfactory. The campers said that they had and apologised. Their camp was inspected again although the whole eight of them were still in residence and a judgment was made that the camp was inadequate. In the body of the camper trailer, which, as I said, has an internal height of 35 centimetres, they had a bunch of bananas and an unopened bag of potatoes. The stove, et cetera, still resided on the swivelling rear door of the trailer. They had a bottle of tomato sauce on their table. Their plastic food storage box had their toilet gear wet packs on the top, but at that time of the day the side clips were not clipped shut as they had yet to prepare their camp for departure. They were then informed that they would be fined $225 for breaching the regulation concerning not feeding the dingoes and safe storage of food. Further, they were told that if one person did not take total responsibility then eight fines of $225 each would be issued. The owner of the camping trailer took responsibility but was somewhat surprised at the magnitude of the fine.

About a day or two later another man was fishing not far from Waddy Point. He had his vehicle parked on the hard sand just above the water level and his bait was stored in an esky in the back of the station wagon. He was fishing immediately behind the station wagon. He was fined for inadequate storage of bait. He was never at any time more than 20 metres from the station wagon and his visits to the station wagon were frequent. He obviously was not too good a fisherman. I do not agree with the government's tactics of dealing with the dingo problem on Fraser Island, but the regulation prohibiting feeding dingoes is in place and should be obeyed. However, it should also be implemented in a sensible manner otherwise the regulation becomes a matter of ridicule. I submit that events such as these will do nothing for improving the respect of the regulation and the respect for the rangers.

Many of the rangers on Fraser Island are ex-Forestry Department employees and are sensible, experienced men who deserve respect in a difficult job. Two businesses on the northern end of Fraser Island are recording a decrease in their turnover. The one at Orchid Beach has recorded a 30 per cent decrease in turnover and the one at Waddy Point a 50 per cent loss in turnover. The owner at Waddy Point reports that many people who ring ask about the danger from dingoes and then cancel their booking. Various people on Fraser Island have written to the government suggesting different schemes for dealing with the dingo problem but to no avail. The problem is now gaining more publicity and recently the *Courier-Mail* and the *Sydney Morning Herald* both featured substantial articles. My concern is the behaviour of the rangers involved. The general opinion on the island and off the island is that the behaviour of some rangers is not constructive, and that does nothing to help the legislation or the dingoes.

Papua New Guinea; National AIDS Council

Mrs DESLEY SCOTT (Woodridge—ALP) (11.56 a.m.): My family has had a long and close association with Papua New Guinea since 1987 when we first toured to Port Moresby with the gospel singing group Destiny Singers. During five tours we traversed the country, visiting such places as Mount Hagen, Goroka, Lae, Madang, Bougainville, Kavieng, Manus Island, Rabaul and across to Honiara in the Solomons. It was during these years that my three sons gained their musical experience which has led to their professional careers in the music business. We took our

music all over the country, but more than that we arrived with tonnes of clothing, books, school supplies and the like to assist the people there. Air Niugini graciously waived transport costs for this humanitarian aid. We made many friends there and it has saddened us during the intervening years to learn of the increase in crime and lawlessness which has devastated the country. So I was very excited to receive an invitation to attend as a guest speaker at a weekend conference near Port Moresby at the Pacific Adventist University.

Invitations were sent to members of the Adventist Church who were government officials, cabinet ministers and backbenchers in the new government and a number of judges from the Supreme Court. Special guests included Dr Phetsile Dlamini, the Health Minister from Swaziland, Ambassador Bien Tejano of the Philippines and a number of high-ranking church leaders with interests in such areas as health, stress, lifestyle and religious liberty. It was indeed a very stimulating and interesting conference. Of particular interest was the presentation by Dr Dlamini of the HIV-AIDS epidemic in Africa. Swaziland is facing the incidence of one in four of its population being HIV positive. The number of orphans increases daily as both parents are taken by this horrific epidemic. Sufferers are cared for in their village or small community by health outreach workers visiting to assist in the management of cases. There is no money for expensive treatments. However, a fortified powdered food supplement is offered with antioxidents, selenium, zinc and other nutrients to improve the cells' ability to withstand infections. Through education they attempt to decrease the incidence of indiscriminate sexual relationships and promiscuity, to change people's sexual behaviour, to stop child sexual abuse and reduce malnutrition and poverty.

Following the conference, it was my privilege to visit the National Aids Council of PNG with Dr Dlamini to discuss with Dr John Millan the situation that country faces. With a population in excess of 4.5 million and in excess of 700 language groups plus the isolation and inaccessibility of much of the country, they face a daunting task. They may quote in excess of 5,000 cases of HIV positive, but in reality the figure is unknown. They are soon to try to gain a more accurate picture of how their country is faring. Many men have several wives, and, as in Africa, it is not culturally appropriate to discuss sex with children, so there are many barriers to overcome. A number of HIV-AIDS leaflets have been produced and a condom called Karamap is now on the market, produced especially for Papua New Guinea. Translating material into various languages will be the next step. I understand advertisements on the media outlets have come in for some flak, as they have used common street language for sex.

There is a recipe for disaster right on our doorstep. Following our visit to the National AIDS Council we visited the Port Moresby General Hospital and met with the superintendent and senior doctors. With the country in an economic crisis, it is very difficult to meet the medical needs in this hospital. Many medicines are unattainable financially and several diseases such as tuberculosis, measles and malaria are common. An inspection of the children's wards, the intensive care unit and a medical ward showed a high number of patients with many wantoks by their beds, particularly parents and siblings there looking after the young children.

I detected in the population a great deal of hope that Sir Michael Somare will bring the stability to government which is so needed. Legislation will curb the constant votes of no confidence in the government and stop members changing parties. Legislation will be reversed which has offered protection in the past to members of Parliament suspected of rorting and corruption.

Time expired.

Health Crisis

Miss SIMPSON (Maroochydore—NPA) (12.01 p.m.): Welcome, Health Minister Wendy Edmond—the best Health Minister Queensland has seen in 50 years, according to Premier Peter Beattie. Yet today we see him bailing her out again after she made statements that could have come from 'Dr Death' himself, Philip Nitschke. Who knew the Queensland Health Minister was a euthanasia advocate by stealth and that people in renal services were stamped with a use-by date. Here we have Mr Beattie cleaning up the remnants of the chunder bucket yet again. Mrs Edmond opens her mouth and the Premier is forced to close it. I note that Mr Beattie has taken the opposite line to the 'Minister for Death'. He says—

Governments should do whatever is within their power to provide medical infrastructure to treat the sick, even if it involves high costs.

Whereas Mrs Edmond says quality of life should dictate future allocation of health resources and death may be a better outcome for some patients. Does she advocate capital punishment as

well? When I accused Mrs Edmond of blaming God for claiming it was 'not a perfect world' when a man died waiting for treatment for a heart condition, I did not realise that Mrs Edmond thought she had the divine right to choose who lives and dies. She gives the kiss of death instead of the kiss of life. Mrs Edmond accuses Queensland people of being out of touch with reality, yet she is the one refusing to acknowledge that there is a health crisis. Instead she is trying to create an escape route by claiming that some people are better off dead.

I note Mr Beattie saying today that his government will 'do all it can to expand and provide health services and care for the whole community'. Just how far does the Queensland community expand in Mr Beattie's view? North Queensland is obviously getting the short shrift from this government. The broken hip of an 89-year-old New Zealand woman went undetected at Cairns Base Hospital, and a 72-year-old Cairns man has been waiting 12 months to have his prostate gland removed. Townsville Hospital is no better, with a 63-year-old Cairns man desperately needing spinal surgery being told upon arrival that there were no free beds. There are numerous examples, but maybe Mrs Edmond does not think these people have a good enough life to live either.

Dozens of beds are also being closed at QEII Hospital, which the minister says is because of vacant medical specialist positions. This is grossly untrue. The reason these beds have to be closed is that the hospital budget does not provide for them. The truth is that health in Queensland is severely underfunded by a state government with other priorities. Despite Mr Beattie's belated claims today, health is obviously not a priority for his government, which is not so smart. How smart is it to ration lives? How smart is it to cripple resources in hospitals to a degree where staff cannot be expected to fulfil their duties to the best of their ability? How smart is it to let people die because the Premier's government has not seen fit to inject enough money into restoring the health system? The Premier could have made many choices and he has made the wrong ones. Unfortunately, it is the Queensland people who pay the price. There is no doubt about it: Queensland has a health system in crisis and there is no escape for the Health Minister. Years and years of her neglect and her unsympathetic rhetoric have caught up with her.

Keperra Hospital has a dialysis unit that needs to be retained. The Beattie government has still not assured hospital staff or the public that this service will continue. Mr Beattie must now put his money where his mouth is and fork out the funds for Keperra Hospital renal services and other services. But it is not just happening there, it is everywhere. While the opposition acknowledges that the Beattie government does not have an endless pot of gold, it is actually $883 million in the red. It has to take responsibility for Queensland's health crisis and look at making health a priority.

Mrs Edmond is far from being the best Health Minister in 50 years, and I am certain that even Mr Beattie would now eat his words. She is not only the worst Health Minister in 50 years, she is the worst Health Minister Queensland has seen. The Premier needs to cut her loose and find someone who can put some life back into the public health system—someone who will advocate and fight for the funding of the public health system, and someone who has sympathy and compassion for the chronically ill and the aged in particular who have a greater need for access to services, rather than a Health Minister who starts questioning whether renal patients and other patients have quality of life and whether they should receive services.

Celebrate Safe Party Pack

Mr BRISKEY (Cleveland—ALP) (12.06 p.m.): The media spotlight has recently turned to a subject that members of this House and parents are likely to be familiar with—teenage parties that turn sour. Teenage parties are an integral part of the life of adolescents. For parents, however, they can be a worry. Our own Government Whip would understand that very well.

Mr Lucas: Did you crash that party?

Mr BRISKEY: No. In recent months I have had calls from constituents within my electorate who have reported hundreds of uninvited teenagers turning up to their teenagers' parties consuming alcohol and sometimes drugs, damaging property and disturbing neighbours. A marked increase in the number of these disturbances has prompted local police to develop a strategy to help those planning a party to ensure that their event does not turn sour.

In developing the Celebrate Safe Party Pack, police within the Wynnum police district are not advocating that parents put a stop to parties altogether; rather the Celebrate Safe Party Pack takes a commonsense approach to providing information that party organisers need to keep in mind when organising an event.

No doubt because this problem has become a common one, a recent *Sunday Mail* article carried reports of parents hiring security guards to prevent uninvited guests from causing havoc. The Internet is also providing a challenge for parents—my children spend quite a bit of time chatting to friends on the Internet—and unfortunately it does not take long for the chain of information to commence. It takes only one email to be forwarded to a number of other people and almost immediately hundreds of people know about a party.

I take this opportunity to thank Sergeant Joe Cranich of Wynnum police district, whose team—

Mr Lucas: A St Laurence's old boy!

Mr BRISKEY: He certainly is, and I have my 30th reunion coming up next month. I thank Sergeant Joe Cranich and the Lions Challenge Club of Cleveland for their efforts in producing the Celebrate Safe Party Pack. Similar projects are operating in Queensland and interstate with great success, and I am confident the same results can happen here.

I understand from my colleague, the member for Mackay, that his local police in Mackay have recently instituted a program called Party Smart in the countdown to schoolies week this year.

Under the Celebrate Safe Party Pack program, members of the public hosting private functions are encouraged to register their party with police to provide forewarning to police and allow them to instigate patrols of the area. This allows police to monitor the area, and their presence will discourage illegal or antisocial behaviour. A Steps to a Smarter Party kit will also be provided free of charge to party organisers to assist in planning safe celebrations and ensure organisers address antisocial, road safety and alcohol consumption issues.

While the Celebrate Safe Party Pack will go a long way toward assisting the community with what can sometimes be a troublesome issue, it needs to be remembered that the community also has a role to play. Police actively encourage residents to make complaints if incidents like this occur, and they can dispatch officers to move on rowdy partygoers. If disorderly behaviour or other illegal activities are occurring, police will most certainly charge those offenders. However, it must be noted that parents of teenagers hosting parties need to take some social responsibility in these circumstances and work with their children to discourage alcohol consumption or antisocial behaviour at such functions. Uninvited guests should be refused entry, and if they do not leave the police should be called immediately.

There are a number of questions parents and their teenage children need to ask in preparing for a party. Some of these are: who is coming to the party; how many people will be there; how will they be invited; how will you deal with alcohol brought by guests; who will serve drinks; what time will the party finish; will any guests stay over; how will adult supervision be carried out and by whom; and how will you handle gatecrashers? Answering these questions in the preparation stages of a party might just prevent a party from becoming a disaster.

Hosting and attending parties is very much a major part of teenagers' lives. Having two teenage daughters, I can personally attest to this fact. These parties should be made safe events, and with proper preparation and planning they can be. Once again I take this opportunity to thank Joe Cranich, Wynnum police, and President Tony Booth and members of the Lions Challenge Club of Cleveland.

Time expired.

Mr DEPUTY SPEAKER (Mr McNamara): Before calling the honourable member for Lockyer, I take this opportunity to recognise the presence in the gallery of parents, teachers and staff from the Lawnton State School in the electorate of Kurwongbah, where my wife attended school from year 1.

Speed Cameras

Mr FLYNN (Lockyer—ONP) (12.12 p.m.): The issue of speed cameras is vexed and has been approached by several members of this House of late. In the *Sunday Mail* of 15 September we see yet again the embodiment of the public perception of the use of speed cameras in an article entitled 'Motorists snap police flouting their own speed camera rules: Caught in the act'.

I place on record up front: I do not object to the use of speed cameras. That having been said, I must reiterate that the problem lies with their deployment, which is not seen by a large section of the public as being effective. The primary objective of a speed camera is the reduction

of traffic incidents, particularly those resulting in injury or death. It is pleasing to see in the article I mentioned an acknowledgment at last by the Minister for Police that there is something wrong with the use and deployment of speed cameras to the extent that he is calling for a report.

The rules governing the use of cameras are quite clear. If they are not to be enforced, then they should be done away with and the rule book should be rewritten. The problem with the siting of cameras is that no-one should seriously care about the amount of revenue earned provided they can be convinced that these methods save lives.

Criticism of the hours in which cameras are deployed is without foundation, in my opinion. Who cares how long they are used if they fulfil their purpose? They should operate around the clock if necessary. The argument, I believe, about concealment boils down to the fact that if motorists do not know cameras are operating and cannot see them then they will not reduce their speed, either then or later, as the tickets take some time to arrive. The argument for clear knowledge of camera sites is that such awareness should, and in my opinion will, result in speed reduction. If the cameras are sited in accident black spots and are clearly visible, it follows that injury or fatal accidents should then be greatly reduced. The counterargument, of course, is that drivers slow down just for the camera and then speed up again afterwards. This may of course be true, but if they are unaware of the camera at all they will not slow down at all, and even if they see the cameras too late the camera has failed to reduce the speed of that vehicle at the critical spot selected—one would hope selected as a result of the accident history of that area.

If these facts are not acknowledged and acted on, then the general public will continue to believe what the government says is not true in that speed cameras are by default revenue raisers. Raise the revenue by all means, but make sure that at the same time people slow down. It is unfortunately true that, human nature being what it is, motorists will always speed no matter what the penalty. But we should try to ensure that people do not speed where it counts: in accident black spots—and they will not if they see the camera.

In conclusion, I recommend that Queensland Transport, in consultation with the Queensland Police Service, trial at a number of appropriate sites the open siting of these speed cameras with clear advertising in advance of the site about its location, to within perhaps one kilometre. This is a serious matter. It should not be seen as a criticism of the use of speed cameras but as a criticism of the manner of their deployment in the hope that we can better the rules to make roads safer for motorists.

School Based Traineeships

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (12.15 p.m.): School based traineeships, which form part of the vocational education program and which are another initiative of the state Labor government, have been an incredible success story for those involved in the process. They were introduced three and a half years ago to offer senior students a chance at real life and real job opportunities while still at school.

I am privileged to know Karen Syrmis from the Sunshine Coast Group Training Company, who is extremely enthusiastic and very passionate about finding students work placements. I first met Karen when I was elected as the local member. She came and introduced herself to me and wanted to inform me about the work she was doing in the schools and to enlist my help in getting the local Caboolture Shire Council, the single biggest employer in the area, to take on just one school based trainee. She told me that there were students who travelled from Caboolture to take up traineeships at Ipswich, Brisbane, Caloundra, Maroochydore and Kilcoy shire councils, all of which are a long way away from Caboolture. It is a great shame that, even after three and a half years of the program's huge success, the Caboolture Shire Council is still unwilling to take on any of these students. In doing so, the council is missing out on so much local talent. Youth unemployment is high in this area, and we must all work together to ensure our kids have the very best opportunity to get jobs.

Ms Male: Maybe the council should spend less time in court.

Mrs CARRYN SULLIVAN: I note that the member for Glass House has been reading the *Courier-Mail*. Perhaps if the Caboolture Shire Council spent less effort on frivolously prosecuting Councillor John McNaught, the Labor member on the council, and spent its money on taking on some of these kids, ratepayers would think that is better value for money.

The school based traineeship program seeks a commitment from the employer to provide one day's pay each week for trainee students. Karen's role is to hire out students to a business. Students stay at school, and any other training is subsidised by the state government. Any

certificate gained under the program is equivalent to six months of an apprenticeship. Other benefits include gaining work ethics and confidence in the workplace, increasing self-esteem, setting directions, achieving goals, and providing an effective transition from education to paid work.

Karen has had great success in the placement of students. Bribie Island High and Caboolture High are two excellent examples of local schools' success. Over the past three and a half years 197 students have been involved in traineeships and currently either are part-time employed or have gained full-time employment. This represents a 100 per cent success rate, and I am proud to be part of a government that has produced an initiative that has been so successful and so beneficial to the young participants.

Mrs Helen Tansley, a well-respected Bribie Island high school teacher and someone I have been fortunate to know for some years, said that vocational education was one of the most exciting areas of change in education in Queensland in recent years. She has seen a huge increase in student participation since it began over three years ago and is confident it will continue to grow. Last year Education Queensland published the 2010 document outlining the department's goals and expectations for state schools for the next 10 years. Its intention is to increase the retention rate of senior students to more than 80 per cent, and this will ensure the expansion of VET programs to accommodate the diverse needs of our students.

I would like to share a small number of success stories of local students whose lives have been turned around by taking up school based traineeships. Ben lives in a caravan in Caboolture. He has no parents but gets himself off to school, does all of the domestic chores and so on. He started a school based traineeship in the automotive industry and now has an apprenticeship and a future. Imogen wants to be a lawyer. She currently has a traineeship with a solicitor's firm in Brisbane. Her employers are so impressed with her that she will work there when she goes to university.

Tyne Smith, who is a year 12 student at St Columban's College, currently has a school based traineeship in the hospitality industry. She is based at the international airport with Spotless Catering and her employer has already said that she could continue with the company next year and will train as a junior trainee manager. Spotless has now employed more students to train. Andrew Leiper, a former Bribie Island High School student, began his school based traineeship towards the end of year 10 at the Bribie Island RSL. He is now a full-time second-year apprentice chef. He described the program as a total success and is now reaping the rewards. He said that the program offered support all the way through, and with that help he was named the 2001 trainee of the year. Andrew will become a fully qualified chef in 2004.

I offer my congratulations to these four people and other participants in the program. Vocational education and training programs will continue to grow, providing they have the support of the wider community, especially the business sector. Businesses must be kept up to date with training programs and must also be encouraged to form partnerships with schools and take on trainees. Schools will maintain their supportive role to students and continue to offer guidance, patience and assistance when needed. These partnerships help the youth of today achieve their future which, of course, is our future.

Cleveland Palms Development

Mr SPRINGBORG (Southern Downs—NPA) (11.21 a.m.): During the inaugural sittings of the Queensland parliament in Townsville some very important issues concerning allegations of official misconduct came to light. Central to these allegations was a statutory declaration from Mr Alan Sheret Jr that money had been paid by the shareholders of Phantom Springs Pty Ltd to Townsville Mayor Tony Mooney in order to secure favourable development conditions in relation to a development south of Townsville called, at that time, the Phantom Retreat. What was even more surprising was that, notwithstanding that the CMC had had these allegations for more than 10 months, it was set to conclude this matter on 6 September this year without interviewing any of the parties involved.

Phantom Retreat is now known as Cleveland Palms, having expanded from its original, humble origins as a weekend fishing village of 120 blocks to now be a 320-block resort with many permanently occupied in contravention of the Thuringowa City Council's original development conditions of limited occupancy. Compounding this non-compliance with local government development conditions are other issues surrounding inadequate water supply, water contamination, serious questions in relation to the closure of access roads and the systematic failure of authorities to enforce basic town planning conditions.

In the *Townsville Bulletin* of 4 September, Mr Mooney denied knowledge of any donation from people associated with the Cleveland Palms development—that was until I tabled a large bundle of documents which included Mr Sheret's statutory declaration and minutes from a meeting of the shareholders of Phantom Springs Pty Ltd which endorsed the payment of $5,000 to Mr Mooney's mayoral campaign fund. The difficulty for Mr Mooney is that it is not just Mr Sheret who has made allegations of donations and bribes in return for favourable treatment. Somewhat conveniently, Mr Mooney has forgotten about the minutes of the meeting of Phantom Springs Pty Ltd shareholders which endorsed this payment, and up until question time on 4 September the CMC had forgotten that any of this material had been provided to it 10 months ago.

Mr Sheret's statutory declaration, the minutes of the meeting of Phantom Springs Pty Ltd and the Australian Electoral Commission's income report for 1994-95 showing donations of $1,500 from Betel Holdings Pty Ltd and P. L. and A. M. Pavia were all significant signposts for investigations into the allegations of bribery and official misconduct which the CMC had not even bothered to look into.

The CMC is yet to investigate the close ties between Mr Mooney and Townsville solicitor Barry Taylor who was also the legal representative for Phantom Springs Pty Ltd when that company agreed to pay $5,000 to Mr Mooney's campaign fund. Mr Taylor also had business ties with developer John Lyons, who the documents I tabled in the House during the last sittings allege brokered the bribery deal with Tony Mooney. Mr Taylor also just happens to frequently act for the Townsville City Council and also represented Mr Mooney during the Shepherdson inquiry into electoral fraud.

Other signposts in relation to those alleged bribes that the CMC passed by were other shareholders of Phantom Springs Pty Ltd. One shareholder, who does not wish to be named, has told the *Courier-Mail*, and I quote, 'the gist of it was it would be to our advantage to assist him along with his bloody campaign'. This particular shareholder has acknowledged that the money paid could be construed as an attempt to buy political favours. Another shareholder, Mr Zimmerlie, told the *Courier-Mail* that Phantom Springs had invested considerable time in negotiating with the council for development approvals and that it was 'in the interests of all concerned that the Labor Party got back in so we didn't have to start again'.

Another signpost is the donation of $1,500 from retired chemist Pietro Pavia and his wife which is listed in the AEC income report for 1994-95. Mr Pavia has claimed that the post office box listed against his donation listing on the AEC income report of PO Box 444 Townsville is not his. Subsequently, it has been discovered that this PO box was used as the mailing address for Phantom Springs Pty Ltd. So, the CMC needs to establish whether Mr Pavia made this donation or not. If he did, the CMC needs to find out why. If he did not, the CMC needs to find out who did. At the very least, the donation attributed to Mr Pavia on AEC records has the spectre of fraud associated with it—certainly a signpost one would normally associate with further investigation into the allegations of bribery and official corruption.

I have obtained further documents in relation to the development at Cleveland Palms relevant to the allegations of bribery and official misconduct, and I seek leave to table the those documents and other material.

Leave granted.

Mr SPRINGBORG: The public must be able to have confidence that the CMC has left no stone unturned in reviewing all of this documentation and interviewing all the witnesses. Only after this has been properly done will the opposition and the community at large have confidence in the investigation and let the matter rest.

Multicultural Extravaganza; Kawana Electorate

Mr CUMMINS (Kawana—ALP) (12.25 p.m.): Last Sunday, 15 September, I, along with thousands of other Sunshine Coast residents and visitors, had enormous pleasure in participating in the second Multicultural Extravaganza held within my electorate at the Sunshine Coast University. Aunty Eve Fiesal—and I apologise if I have the spelling wrong—an Aboriginal elder, assisted with the traditional welcome, along with our local indigenous dancers who are absolutely marvellous and were very well appreciated. I must commend Marion Frederick and her team for coordinating the day.

The main aim of the Multicultural Extravaganza is to bring together the local community, government organisations and young people in an event which recognises and respects the

cultural diversity of the people of the area and promotes tolerance and understanding of that diversity. It provides an opportunity to celebrate both our differences and our commonalities. Thousands of community members of many different cultures took part in the festivities in a number of ways. A large stage featured continuous entertainment from song and dance groups performing to the traditional music of their native lands, while roving musicians played at various locations on the site. Many of these groups were happy to teach visitors to the extravaganza some traditional dances. I can assure honourable members that fabulous food from many countries was on sale throughout the day.

The extravaganza is a practical demonstration of the way people from many cultures can work together to produce an exciting and diverse day of festivities for our local community. The event has been sponsored by both government bodies and private enterprise on the Sunshine Coast. Multi Affairs Queensland, Education Queensland, the University of the Sunshine Coast and the Italian Consulate all contributed to the project, along with the local company Unistyle Developments.

Also, the Australian national road cycling championships were held on the Sunshine Coast last week. Mike Victor, the president of Cycling Australia, heads a marvellous group who again conducted a superb national championships. Events such as these are welcome to the Sunshine Coast as not only do we have the ability to cater for the same but obviously we have the ideal weather conditions and hospitality to match. Tourism Sunshine Coast continues to chase such events in a very positive way.

Benny Pike, a very talented sports journalist and former champion boxer, again compered numerous awards presentations and should be commended. I also wish to mention the great sponsors, CUB, and especially Carlton Mid Strength, which is a top drop. I will do everything I possibly can to ensure that the Sunshine Coast continues to attract quality events which will boost our economy and create jobs.

I know that all members would be well aware that from Sunday, 27 October to Sunday, 3 November the Sunshine Coast celebrates the 20th Noosa Triathlon. The event's partner is Queensland Events. Garth Proud from United Sports Marketing does a first class job, is very well appreciated and should be commended. I encourage all members to come to the Sunshine Coast for this incredible event.

On 24 August, I had the honour of representing the Beattie Labor Government at the blessing and opening of stage 1 of the Siena Catholic Primary School—again within my electorate on the Sunshine Coast. The Most Reverend John Bathersby, Archbishop of Brisbane, was present, along with David Hutton, executive director of Brisbane Catholic Education. They are both obviously proud of the job that Peter Dolan, our principal, is doing. I know that many parents highly praise both Peter from Siena Primary and Brian Baker, the principal of Siena Secondary School. Both are great assets to our community and I am committed to assisting wherever I can—not only these schools but all schools within my electorate.

Congratulations must go to Father Joe Duffy, Mark Farrell, chair of the steering committee, and indeed the entire Catholic community for ensuring that more quality education facilities are available on the Sunshine Coast. I seek leave to table the relevant documents.

Leave granted.

Mr CUMMINS: The Vietnam Veterans Association of Australia has a positive, helpful and well-appreciated sub-branch on the Sunshine Coast. On Sunday, 18 August I attended the Vietnam Veterans memorial service at the Cotton Tree cenotaph. All veterans, along with the general public who attended this moving ceremony, should be commended. I must also compliment the Buderim Community Concert Band, a dedicated group who are an extremely valuable asset to the community—and I know that they are appreciated as such—who played on the day. The assembly included the parade marshalls, Trevor Hagan OAM and Laurie Drinkwater. The welcome was given by the Sunshine Coast Vietnam Veterans Association of Australia President, Ted Robinson, and the opening prayer done by Reverend John Barfoot. The Senior Vice-President, Paul Gallagher, introduced the guest speaker, fellow member of this House, Peter Wellington, who did a great job.

Last Thursday, 12 September I had the pleasure of opening the Mountain Creek Primary School sandpit. That sandpit was funded through the Gaming Community Benefit Fund, and it is greatly appreciated by my community.

Time expired.

RACING BILL

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (12.30 p.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to provide for the racing industry in Queensland, including betting on races and sporting contingencies, and for other purposes.

Motion agreed to.

First Reading

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

Second Reading

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (12.31 p.m.): I move—

That the bill be now read a second time.

The purpose of this bill is to repeal the Racing and Betting Act 1980 and provide a modern legislative framework for the management and regulation of the Queensland racing industry. The key objective is to maintain public confidence in the racing of animals on which betting is lawful by ensuring the integrity of all persons involved in the racing or betting and the welfare of all animals involved.

The bill implements the recommendations of the national competition policy review of the Racing and Betting Act 1980 by—

- providing an opportunity for new codes of racing to be approved;
- removing the prohibition of proprietary racing; and
- removing advertising restrictions on racing bookmakers.

Since the privatisation of the TABQ in 1999, government involvement in the management of the industry—at the behest of those in the industry—has devolved to the industry. This bill places greater emphasis on government's role to ensure the probity and integrity of racing. The responsibility for the management of the industry rests in the rightful place—with the industry control bodies.

This bill regulates the racing of animals upon which betting is permitted. Any use of animals where no betting is permitted does not come within the ambit of this bill. The bill focuses on a control body's regulatory responsibilities to provide a fair, independent and equitable regulatory environment to optimise commercial activities and outcomes of the Queensland racing industry. The industry control bodies will be responsible and accountable for regulating and managing codes of racing, including the licensing of clubs, participants, animals and venues.

An open and transparent system for the licensing of control bodies for codes of racing in Queensland is established by the bill. A corporation established under the Corporations Act 2001 and which meets criteria specified in the bill may apply for approval to be a control body for a code of racing. The bill provides that only a corporation established under the Corporations Act can apply for a control body approval. Persons associated with the management and ownership of a control body will be required to undergo stringent probity, criminal history and background checks similar to those conducted on the persons who were appointed to the QTRB.

To allow adjustment to change, the existing control bodies for thoroughbred, harness and greyhound codes can continue as statutory authorities for up to three years. During this time they may form corporations and then apply for a control body approval. The aim of this bill is to raise the standard of accountability and transparency of control bodies' decision-making processes. It requires a control body to make policies and rules publicly available and to undertake consultation, when relevant, with affected stakeholders, serving to encourage integrated decision making and result in better leadership of the industry.

There has been a painful and traumatic process for the racing industry to adapt to a changing and highly competitive environment in the entertainment and leisure marketplace. The process has not been helped by a legislative framework which was based on the social, cultural and business agendas of the 1940s and 1950s. The Racing and Betting Act 1980 has been amended many times over the past 20 years and is no longer appropriate legislation for the industry, the government or the community.

This bill provides a legislative framework which eliminates the dead hand of the bureaucracy which has held back innovation and flexibility in the industry and provided a fertile breeding ground for nepotism, blame shifting and a dependency on patronage and favours from political and industry-elected leadership.

The bill maintains and enhances the proper role of government in protecting the interests of the public and racing industry participants by monitoring the responsibility and accountability for integrity and probity. It provides an opportunity for those in the community who enjoy organising, promoting and participating in the great sport of racing, and the legal and legitimate betting that is associated with the industry. However, the accountability for racing to be conducted in a financially viable, safe and responsible manner for the promoters, the participants and the animals is not—and should not be—the responsibility of the government and a cost to taxpayers.

This bill provides opportunity for potential new codes, for diversified use of industry and community-owned infrastructure, for creative and imaginative development of community racing as a sport and entertainment without having to be top level TAB and pay TV racing. At the same time, it provides for enhancement of developments at the highly professional end of the racing industry, which is dominated by significant private investment and involvement of full-time business and employment generated by racing in Australia today.

The bill further implements the outcomes of the review of governance of the existing codes of racing. It is not total deregulation for competition's sake. For the thoroughbred code, in particular, it maintains the structural arrangements of five regions with the Queensland Regional Racing Council which has a formal role with the QTRB to plan, fund and monitor non-TAB racing. Such racing must still be conducted with integrity and safety and be financially viable.

The government will, through this legislation, require standards of integrity and safety to be met in the public interest with as little interference in the daily lives of people as possible. This is modern legislation for a modern industry. I commend the bill to the House.

Debate, on motion of Mr Hobbs, adjourned.

INTEGRATED PLANNING AMENDMENT BILL

Second Reading

Resumed from 3 September (see p. 3250).

Mr HOBBS (Warrego—NPA) (12.38 p.m.): The amendment bill before the House today places the Minister for Local Government well above the law in Queensland. It is a disgraceful attempt by an arrogant government, which is using this parliament to ride roughshod over the civil liberties and statutory duties of the broader community and local governments. The minister has incompetently meddled in the lawful processes of the Integrated Planning Act and a lawful dispute in the Planning and Environment Court.

Let me explain exactly what this amendment bill will mean for Queenslanders. Presently, the minister has appropriate powers to call in a development should it be in the state interest to do so in order that the development may proceed, or more or fewer conditions are placed on that development that more appropriately meet the development and planning policy of the government of the day. The duty of the minister is to appropriately assess whether there is a genuine state interest before a call in is made.

Presently, the community has the right under the act to bring declaratory proceedings before the Planning and Environment Court if they believe the matter is not of a state interest. In other words, it would be hardly in the state's interest to issue a call in for extensions to a local bowls club. That matter would be the responsibility of the local council, in other words, the assessment managers. However, under this legislation it would be possible and the community would be denied the opportunity to require the minister to justify whether the issue was in the state's interest or at the minister's personal pleasure.

Let me explain to members what under the bill 'state interest' refers to. It is an interest that, in the minister's opinion, affects an economic or environmental interest in the state or region; or an interest in ensuring there is an efficient, effective and accountable planning and development assessment system. Therefore, these ministerial call-in powers under the act are specifically intended to allow the government to intervene in the development assessment process where state interests are involved and to be the final arbiter on these matters. The final decision of the

minister when determining an application called in for determination by the state is not subject to appeal in the Planning and Environment Court.

According to the Minister for Local Government and Planning, the ability of a party to bring a declaratory action in the Planning and Environment Court is inconsistent with the intent of the Integrated Planning Act to allow the state to be the final arbiter of matters of state interest and to allocate accountability for decisions in relation to the ministerial call ins to parliament. The minister is proposing to amend section 4.1.21 of the Integrated Planning Act to insert the words 'other than a matter under chapter 3, part 6, division 2'. This amendment will mean that the court, in this case the Planning and Environment Court, will not be able to make a declaration for matters involving ministerial call-in provisions. There is a late amendment that the minister will put that provides that, if assessment managers, that is local governments, have not decided on a development or have refused an application, they can in fact lodge a declaratory action, but the community cannot. The wider community will have no access at all. An amendment to chapter 6 to add a new transitional provision will have the effect that a declaratory action about a matter under chapter 3, part 6, division 2 concerning ministerial call-in powers which has not yet been decided on commencement of the provisions must not be further dealt with by the court. In other words, this amendment will act retrospectively in terms of any ministerial call-in actions. Therefore, this will apply back to about May 2001. There have been a lot of developments since then. I will deal with some of them later.

I refer to the state government's recent use of these call-in provisions. In June 2001 the Minister for State Development, Tom Barton, used these powers under the IPA to call in an application by the Lang Park Trust so that he could determine appeals relating to the development of the new $280 million Suncorp Stadium. I will go into more detail about that later on.

A government member: Are you going to the opening, Howard?

Mr HOBBS: If I get an invitation, I might. More recently, the Minister for Local Government and Planning has been faced with a number of appeals to the Gold Coast City Council by commercial entities, including Pacific Fair, Runaway Bay Shopping Village, Harbour Town, Australia Fair and, I believe, Stocklands concerning the state government's proposal for the building of a $100 million Westfield at Helensvale. The reason for the objection is that the Gold Coast already has too many retail centres and does not need another one. I do not think we need to go into the reasons why, because we are talking about the process. The Gold Coast City Council approved the development only in May this year. In other words, all the planning processes that major developments must undertake with councils in terms of conditions being placed on them have been done. Basically, all the legwork has been done and the approvals given.

There are concerns in legislating against the use of the Planning and Environment Court in this instance when call-in powers are used by the minister. Although there is no appeal or other form of judicial review on the merits in respect of the minister's decision on a development application which he or she has called in, there is a current ability to use the legal process in the form of the Planning and Environment Court to review the question of whether the minister's decision that something involves a state interest is a decision that is within the scope of his or her powers under the IPA. Although the current legal challenge with the Westfield development, which can be considered as giving rise to the bill, is one by a commercial entity, state and local governments are the primary beneficiaries of the definition of 'state interest' which defines the boundaries between local government and state government powers under the IPA. In this respect, the act reflects in legally enforceable terms what was negotiated between the LGAQ and the state in 1997 about the autonomy of local governments in relation to matters of local concern, subject to an overriding state role for matters of genuine interest. If the bill is to become law, local government councils will not have any form of judicial review open to them if the minister decides to use these call-in powers under the IPA. However, this amendment will give local government a halfway bet or two-bob either way. This will give the state government the opportunity to label any local development issue as one of 'state interest'. Therefore, it will take the decision-making powers out of the council's hands irrespective of whether or not this application is one that would be recognised legally as falling within the statutory definitions of a 'state interest'.

Under this amended legislation, the minister would only be accountable to the parliament, leaving the council or the community with a political remedy but without an option for judicial review. The reality is that the government of the day has the numbers in the House. The community does not have any say in relation to a call-in power that the minister may decide to

use to determine what is a 'state interest'. I have talked to the LGA about this. Their opinion is that the proposed amendments to the IPA are in contravention of section 77 of the Queensland Constitution Act 2001. According to the association, if passed the bill will 'affect local governments generally or any of them'. The minister did not even consult with local government. That is part of the process. Local government is part of the three tiers of government. The legislation states that the minister is supposed to talk with local government about these issues. For heaven's sake, the minister did not even pick up the phone.

The association holds that the actions of the minister were in breach of the state legislation and that she failed to consult the LGAQ on the proposed bill. They believe that this is outside the requirements of the Queensland Constitution Act 2001. We certainly recommend that the parliament oppose the amendments being put forward in the IPA bill. Even though it is clear that the minister has used the present objection to the Westfield development to bring forward these amendments, the specific details of this case are not as important as the overall effect of removing any judicial review of whether the minister's use of these call-in powers is appropriate. These amendments will permit the minister to ride roughshod over any concerns a council or community group may have with a particular development, even if there is no state interest to the government as defined under the IPA.

The Beattie government's repeated use of retrospective legislation is also of concern to this parliament. We cannot keep allowing the government to bring in retrospective legislation, particularly in this instance when the only reason the bill is being put through all stages today is that the minister will otherwise be in court tomorrow. That is the reason. This legislation is about saving the hide of an incompetent minister who started to meddle in a lawful planning and legal process, got herself into trouble and now has to have the parliament bail her out. That is the reason we are here today. It is a disgrace that we have to go through this process.

The standing orders state that a bill when introduced should lie on the table for 14 days. This bill has been in the parliament for seven days. Further, the bill is to be amended by changes made yesterday and last night and presented to the House this morning. I was advised that they were available to the parliament at 9.30 this morning. The wider community has not been consulted at all over these significant changes. This legislation will take away people's rights to a judicial-type review of a minister's decision as to whether a matter is a state interest or not. This is being done to try to save the hide of the minister, who got caught up with the big boys and got into trouble. Let me deal further with the contravention of the Queensland Constitution Act 2001.

Mr Robertson: This will be good.

Mr HOBBS: The minister should listen to this. I am sure the minister would consult with local government. The minister has just dealt with the rural lands protection legislation. I am sure he would have consulted with the Local Government Association on that matter. However, this minister did not. She did not even ring the Local Government Association.

A consequential concern is raised in terms of the Queensland Constitution Act. Section 77 of the Constitution Act applies where a bill meets two criteria: first, if passed by parliament it will be administered by a minister responsible for administration of the Local Government Act 1993; and, secondly, if passed, the bill will affect local governments generally or any of them. The Integrated Planning Act is administered by the same minister as administers the Local Government Act 1993. The first requirement is clearly fulfilled. For the second criterion to be met, the bill, if passed, has to affect local governments generally or any of them. The bill clearly meets both criteria and as such the act holds that the actions of the minister are in breach of the state legislation. In these circumstances, I cannot see how the minister could seriously argue that the bill does not affect local governments. Therefore, I believe it to be clear that section 77 of the Constitution of Queensland Act 2001 applies to the bill in question and that the failure to consult was a contravention of the law.

The obligation to consult is qualified by the phrase 'if the minister considers it practical'. The fact is that this is a very short, single-issue bill, coupled with the fact that it was not considered by the government to be so urgent as to require it to be put through all stages on the day it was introduced. This means that no argument can be sustained that it was not practical for the minister to consult with the LGAQ in relation to this issue.

The bill is not limited to this matter but applies generally to all local governments and all building development applications. In terms of these issues of compliance with section 77 of the Constitution of Queensland Act 2001, the particular circumstances of the Westfield Helensvale development and Gold Coast City Council's attitude to the ministerial call in in relation to that

matter are legally irrelevant. That is a bit of a thumbnail sketch of where we are up to. I will deal with some further issues that I believe are important.

As I mentioned earlier, the Minister for State Development called in the Lang Park development. That in itself is a significant development. In that case a number of state issues were involved—transport and so on. The Brisbane City Council placed a significant number of development conditions on that—

Mr Barton: Some of which were illegal.

Mr HOBBS: I said 'a number of conditions'. The minister changed some of those conditions. That was the process. I am not arguing about whether it was right or wrong. The issue is that the minister called it in and made adjustments. The legislation before the House has a hole big enough to drive a truck through.

Mr Purcell: I wouldn't let you drive a truck.

Mr HOBBS: I could drive my old Mack truck straight through this bill backwards in the middle of the night. That is how big the hole is. I will tell members how it works. Under the minister's amendment, she said that local governments that deny an approval or have not made a decision can have judicial review. In other words, they can undertake declaratory proceedings in the courts. However, if they have approved a development, they cannot do so. What is to stop a developer, knowing that these are the rules, going to a council seeking different conditions—say it is Lang Park—and signing it off with the council, which says, 'This developer is a great company.' Everyone then goes away happily, but the developer then goes to the minister and says, 'I want you to use your call-in powers.' The minister can use his call-in powers and reduce—

Mr Barton: Why would he? He wouldn't.

Mr HOBBS: I take the minister's interjection. The Gold Coast City Council has approved this. To answer the minister's question, 'Why would they?', I point out that they did. The minister called it in after the local council approved it. If a developer got the approvals from the council but then went to the minister and said, 'Minister, I am unhappy with these conditions. I want you to do a call in,' the minister calls it in and there are no checks and balances.

Ms Keech: Yes, she does; she is accountable to the parliament.

Mr HOBBS: Let me finish. The minister changes the rules. The council is euchred. It has no possibility of doing any sort of review. The conditions are changed. That can happen. As the member said, the minister can then come to the parliament. What is the difference? The minister of the day and the government of the day have the numbers in the House and it would go straight through. It makes no difference. There is no genuine appeal for people in the community.

Mr Barton: Nothing is higher than the parliament. Don't you understand that?

Mr HOBBS: Yes, I understand that. Maybe the minister cannot count. The reality is that the government of the day always wins. The minister can come to the parliament, but there is no opportunity for the broader community to have its day in court under the normal planning processes under the Integrated Planning Act. If the Integrated Planning Act is deficient, the minister should be changing the act, not the ability of the community to have checks and balances. Members opposite will not be in government forever. They ought to make sure that they get this right. This has to be a long-term process. There is no sense in rushing through bad legislation. The only reason it is being rushed through is to save this minister's hide from a court case tomorrow. The court case is tomorrow. That is the issue. If this bill does not go through the House today, the minister will be in court tomorrow. It is as simple as that. The government is using this parliament to usurp the authority of the community and to protect the minister, when obviously there should be no need to do so.

Why do we have planning laws? We have all been through the agony of putting in place the Integrated Planning Act. There was bipartisan support throughout that whole process with Minister Mackenroth, Minister McCauley and others. All ministers and shadow ministers involved tried their absolute best to make it work. Sometimes we question some of the outcomes of the IPA, but we are trying to make it work. That has been good for Queensland, but we need to improve it. We need to do a lot more to make it better. However, this matter should have been adjusted in the Integrated Planning Act rather than in this way.

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

Mr HOBBS: Before the luncheon break I pointed out that the Integrated Planning Amendment Bill before the parliament today gives the minister the opportunity to step into a development application and bypass the normal community consultation process that would

occur because of the call-in powers. The minister has called in this development on the Gold Coast. Simply because of that, she has now got herself tangled up in a court case which starts tomorrow. Unless this legislation passes through the House today, there will have to be a flying minute this afternoon or tomorrow morning to the Governor to protect the minister from the court hearing tomorrow. This is an absolute disgrace. We should not use the people's parliament to protect an incompetent minister.

Government members interjected.

Mr HOBBS: Members opposite need to understand more about the legislation. If they read it they will know exactly what is going on. The Local Government Association backs what I am saying 100 per cent. It is quite simply the case that the minister is using this parliament to escape what she puts other people through during the normal course of her daily events.

Mr Terry Sullivan interjected.

Mr HOBBS: I would suggest that the member opposite should read the legislation so that he may then know what he is talking about. I can give the House a legal opinion on the Integrated Planning Amendment Bill. The bill raises some genuine concerns in terms of the principle of local government autonomy for local matters as one of the underpinning principles on which the state intervention regime in the IPA was negotiated in 1997 between the Local Government Association and the state. The bill does two things. It removes the power of the Planning and Environment Court to make a judicial review declaration as to whether a ministerial call in of a development application under section 365 of the act is lawful as relating to a matter legally falling within the definition of 'state interest'. There is no state interest for the minister to bring this bill before the parliament.

Mr Terry Sullivan interjected.

Mr HOBBS: The member opposite should listen and wait for a while and he will see.

Mr DEPUTY SPEAKER (Mr Mickel): Order! There is too much interjection in the chamber. Member for Warrego, I might calm it down a bit by welcoming to the public gallery students, teachers and parents from the Woorabinda State School in the electorate of Fitzroy and the Mitchell State School in the electorate of Warrego.

Mr HOBBS: It legislatively puts an end to existing proceedings in the P&E Court between the Runaway Bay Shopping Centre operator and the minister and Westfield in which Runaway Bay is seeking to challenge the lawfulness of the minister's call in of the Westfield shopping proposal at Helensvale which Runaway Bay, Stockland and others have been challenging unsuccessfully through the Planning and Environment Court and the Court of Appeal for some time.

The declaration proceedings currently on foot in the Planning and Environment Court are the legal equivalent of an ordinary judicial review, at least in this particular context. Runaway Bay can only succeed if it can show that the minister has no reasonable or arguable basis for considering that the development involves a state interest, and there is not a state interest of any relevance in this particular piece of legislation. The development has been approved by the Gold Coast City Council. It has gone past the stage of any complications. The minister got herself tangled up in a game with the big boys and now she is in deep trouble. The argument would have been that the development itself is merely a local or district level development with no genuine state level implications. The contrary argument would have been that the commercial misuse of the Planning and Environment Court procedure by Runaway Bay and others in an attempt to prevent the Westfield development going ahead on purely commercial grounds constitutes a misuse of the planning appeal process and a frustration of the objectives of the Integrated Planning Act concerning accountable, coordinated and efficient decision making.

In any event, if the present bill is passed its effects will be simply to ensure that the minister is the sole and final arbitrator as to whether or not development involves state interests so as to justify the exercise of the call-in power and put to an end the existing Planning and Environment Court challenge by Runaway Bay so that the minister's call-in decision will stand in respect of this particular matter. As I said, when this bill passes the House this afternoon or tonight or tomorrow morning a flying minute will have to go to the Governor to resolve this issue or otherwise the minister will be in the dock tomorrow. The bill's explanatory notes make no mention of the particular matter which has given rise to it. Those notes simply point out that the exercise of the minister's call-in powers is generally outside the ordinary appeal and review system—a statement which is correct as far as it goes—and purports to justify this amendment as merely giving effect to an intent which had always existed that the ultimate accountability for the exercise of ministerial

powers would be through the minister to the parliament—that is, an administrative and political accountability—and not to the courts.

As I said before, if the government of the day has the numbers—which it nearly always does—it is immaterial as to whether the minister comes back to the parliament to make an announcement, because that is all she is doing. If she comes back to the parliament to make an announcement when the government has any majority, that means that the proposal goes straight through and the people do not have the opportunity to appeal as is part of the legislation and the Integrated Planning Act.

A government member: What would you do?

Mr HOBBS: Reject this legislation altogether. First of all, the minister should not have been involved. This is a simple case where the minister tried to intervene between two developers and got herself into trouble. The opposing developer has then put a judicial review on it asking, 'Minister, what's the state interest in relation to this development?' The minister is basically saying, 'Well, I'm not sure what the state interest is.' It is as simple as that.

Mrs Nita Cunningham interjected.

Mr HOBBS: My word I do. Absolutely, but the minister does not know what she is doing, I can guarantee her that. All the legal advice and the legal opinions I have received demonstrate that the minister is totally wrong about this. Bearing in mind that proceedings of the type in question are technical legal proceedings which are limited to the question as to whether or not the legislative trigger for the exercise of the minister's power was present and not in any sense about matters concerning the merits of the exercise of that particular power, the existing position whereby there can be judicial review of questions of whether or not the minister could reasonably have formed the view that a state interest existed is not unusual and does no more to ensure that the executive—that is, the minister—is held accountable within the parameters laid down for the exercise of her powers by the parliament.

In other words, because there is not and never has been a review of the merits of the minister's decision—because all ministers in the past have at least had enough credibility to do it right; this minister has not done it right and got caught—on a call-in application, all that the availability of declaratory proceedings does is to ensure that the minister acts in accordance with the law and does not stray outside the legal limits of her power. The minister strayed outside the legal limits of her power and the big guys came in and went crunch! It was as simple as that. That is what happened.

Without wishing to be overdramatic about the matter, that has put the minister entirely above the law of the land, so the government is now changing the law to try to protect her. At present the legislation defines the circumstances in which the minister's power may be exercised—that is, when it is in the genuine state interest, which is already very broad—and in which she can be made to adhere to the legal process. However, the effect of the bill will be that in reality the minister's call-in power will no longer be a legal power to be exercised only in the circumstances defined by the legislation; instead it will be a political power.

The average Joe Blow with a genuine concern about a development is currently able to go through the normal legal processes, but access to that process will be denied by the piece of legislation before the House. Development applications will be taken out of the hands of local government or the Planning and Environment Court on any occasion when a political decision is made to do so.

Many people on this side of the House used to talk about ministerial rezonings. That is what the government is doing—it is doing a ministerial rezoning all over again!

Mr Poole interjected.

Mr HOBBS: I see the member for Gaven, who comes from that area and supports this development, is nodding his head and agreeing. Of course it is a ministerial rezoning, but the minister got caught out. Unfortunately the minister, who I am sure the government thought would handle it better, is now caught up in this damn thing and it has become a very public brawl.

The proposed action is technically unlawful and it is a meaningless concept if there is no availability to enforce the law. The existing legislation already provides the appropriate balance between giving the minister a broad discretion to be the final arbiter on the merits of the state-interest issues while at the same time ensuring that the call-in power is not used for reasons other than genuine state interest as defined in the legislation.

From a legal perspective, the content of the bill is a real concern having regard to the original intent of the Integrated Planning Act, which was to legislate to give local governments full autonomy in local issues with the state involvement being limited to issues of genuine state interest as defined in the legislation. This bill removes the ability to seek judicial review if the state purports to exercise its powers outside the scope of state interest as defined—as always, one of the most important balancing features of the state intervention regime—and materially changes that balance.

The minister has proposed amendments to this legislation virtually overnight, and those amendments make substantial changes to the bill which has been before the House for 14 days. The community has no knowledge of those amendments and it has not been informed of what those amendments propose. As I mentioned, I was advised of those amendments at 8.30 this morning, which has not given me a lot of time to go through and check them out.

The Premier is basically protecting an incompetent minister. He should not abuse the people's parliament by usurping the legal planning laws of this state. If the planning laws are faulty, he should change the planning laws, not the accountability process. The government is looking at the wrong end of the spectrum. If the planning laws are tied up in the courts and the people have a legal right to go to court—we do not want them to go to court and stay there for a long time, but it happens—the government should be trying to improve the process and fix it up at the coalface, not at the decision-making end of the ministerial discretion. That is where the government has come unstuck. These proposed amendments will certainly make the minister well above the law.

As I mentioned, the minister also breached section 77 of the Queensland Constitution Act 2002 by failing to consult with local governments, and that in itself is a serious offence. She is a minister of the Crown who did not consult with local government and arrive at a clear understanding and a minister who could not even adhere to the legislation.

Mr Shine interjected.

Mr HOBBS: I see the honourable member for Toowoomba North shaking his head. The minister did not even ring the Local Government Association about this legislation, so there is nothing here at all.

Mrs Nita Cunningham: Yes, I did.

Mr HOBBS: I am afraid they do not believe you, minister. I do not know whether the minister did or not, but the association is telling me that she did not ring them at all.

Mrs Nita Cunningham: They must not have reported to you.

Mr HOBBS: You reckon they did not? I do not know about that, but it is the minister's word against theirs. That is the way I see it, and from what I have been told the association is probably a little more reliable than she has been.

The minister's record in court cases is not very good. The minister will recall that she introduced legislation into this parliament to take away from councillors the right to stand for state parliament. I asked the minister in this House, 'Minister, do you think you have a legal right to do that?', and she said, 'Yes, of course I have.' The minister was wrong. The matter went to the Supreme Court and she lost that case. This was one more case in which the minister was trying to stand over the people of Queensland. I do not know where the minister is getting her legal opinions from, but if I were her I would get a second opinion.

Government members: Where are you getting yours from?

Mr HOBBS: Just watch this space and wait and see. I will tell honourable members opposite something else of interest. Have they seen this? It is the *Alert Digest No. 8* of the Scrutiny of Legislation Committee of this parliament, and that committee is not very happy with the bill either.

I will read into *Hansard* some of the comments contained in this *Alert Digest*. It states—

The Minister in her Second Reading Speech, and the Explanatory Notes, both state that it is arguable the power of the Court to make a declaration in respect of the wide range of matters mentioned in s.4.1.21(1)(a) includes power to make declarations about a Ministerial decision to 'call in' a development application, and about the Minister's subsequent making of a decision on that application.

The Minister and the Notes both assert that this is inconsistent with the policy underlying the 'call-in' powers. In her Second Reading Speech, the Minister states;

> These Ministerial 'call-in' powers under the IPA are specifically intended to allow the government to intervene in the development assessment process, where 'State interests' are involved, and to be the final arbiter on 'state interest' matters.

The Gold Coast City Council had approved the development—the development had passed and it had been approved—so there are no state interests of any significance, apart from the fact there was a hold-up in the court because of the normal legal processes. All the civil libertarians on the other side of the House should at least be able to support people having their day in court, because that is what they were doing. If the government wants to make that process shorter or improve it, it should fix it up at the other, and not at this end. The comments in *Alert Digest No. 8* continue—

The final decision-making responsibility is clearly provided for in the Act since the effect of an application being 'called in' for determination by the State, is that any existing appeals are of no further effect.

Further, the final decision of the Minister when deciding an application 'called in' for determination by the State, is not subject to appeal in the Planning and Environment Court.

The IPA also requires the responsible Minister to submit a report to the Parliament outlining, amongst other matters, the Minister's reasons for the decision on the application.

The ability of a party to bring a declaratory action in the Planning and Environment Court is inconsistent with the intent of the IPA to allow the State to be the final arbiter on matters of 'State interest', and to allocate accountability for decisions in relation to Ministerial 'call ins' to Parliament.

It is therefore inconsistent for declaratory proceedings to be brought against either a decision to 'call in' a development application, or a subsequent decision on the application itself.

The bill is necessary to provide certainty about the validity of a decision to 'call in' a development application and finality about any subsequent decision on an application regarding matters of 'State interest'. This is the only way to ensure that 'State interests' are not deleteriously affected by development proposals which continue to be exposed to the potential for ongoing litigation.

It should be noted that s.5.8.4 of the Act effectively prevents aggrieved persons from commencing judicial review proceedings under the *Judicial Review Act 1991*. Therefore, regardless of what rights may presently be conferred upon aggrieved applicants by the 'declaration' provisions of s.4.1.21, the bill will expressly prevent any form of appeal or other judicial redress in relation to ministerial 'call in' decisions.

This is the opinion of the *Alert Digest* and the Scrutiny of Legislation Committee. It goes on to say—

As mentioned earlier, the Minister asserts that this is in keeping with policy underlying the 'call in' provisions, and that the current wording of the Act potentially produces a position which is inconsistent with that underlying policy.

Planning law is essentially statute-based, the concept having been unknown to the common law. The *Integrated Planning Act* and its predecessor Acts, together with other legislation, have imposed an increasingly complex web of restrictions upon the manner in which landowners may use their land. Few people nowadays would contend that the imposition of planning requirements in the interests of the general community is inappropriate.

Accordingly, it could be said that the issues arising from the modifications to Queensland planning legislation made by this bill are primarily policy-related. On the other hand, the bill does have the specific effect of depriving persons of an apparent statutory right of access to courts in relation to certain matters.

This situation is certainly most unsatisfactory. There is another matter I will deal with later on.

Government members interjected.

Mr HOBBS: I was just getting the attention of members. I was just making sure they were awake.

Mr Reynolds interjected.

Mr HOBBS: I see the minister still smiling over there. He is as happy as Larry. I am not going to debate the issue of whether it is right or wrong. I am not debating whether the development should go ahead because that is not the point. It is not my role to do that. The courts and the planning legislation are there to do that. The Gold Coast City Council is there to do that as well.

Mr Reynolds: Why do you oppose this development?

Mr HOBBS: Welcome along, Minister. I will be able to run it by the minister again so that people are well aware.

Mr Reynolds: You do not want to debate the merit of it.

Mr HOBBS: I am. I am debating the merit of the legislation. The *Alert Digest* continues—

The committee notes that cl.4 of the bill effectively denies persons all access to the Planning and Environment Court in relation to the exercise of ministerial 'call in' powers.

The Second Reading Speech and the Explanatory Notes both assert that any rights which may have existed under the current legislation are inconsistent with the underlying policy of the 'call in' provisions.

The committee refers to Parliament the question of whether the relevant provisions of the bill have sufficient regard to the rights of development applicants and others who may presently enjoy such rights.

Everything I have said today shows that the minister is taking away rights that currently exist and there is no need for them to be taken away. I do not know how much more information members want, but I will go on.

Mr Lawlor: What is the name of your legal adviser?

Mr HOBBS: I am not going to give that to the member.

Mr Shine: I thought you believed in accountability.

Mr HOBBS: I do believe in accountability. That is a very worthy interjection from the lawyer in the back. It is a legal opinion I have been given. It is not for me to disclose who it has come from. Basically, it is a legal advice. The question is: does the legislation adversely affect rights and liberties, or impose obligations, retrospectively? The committee notes—

As mentioned above, cl.4 of the bill deprives aggrieved applicants and other persons of any rights which they may presently have to access the 'declaration' powers of the Planning and Environment Court, in relation to the exercise of ministerial 'call in' powers.

These are the words of the government's own document. It goes on—

Clause 2 of the bill provides that cl.4 amendments are taken to have commenced on 25 May 2001.

This goes way back. It goes back to well before the Lang Park development. I mentioned Lang Park earlier. A lot of conditions were placed on Lang Park by the planning authority of the Brisbane City Council. The minister had the right to call that in, and he changed those. This can happen again. I will explain to members what this legislation does. It creates a loophole.

The minister got it so wrong. Negotiations yesterday and last night have led to the government agreeing to amend the bill to allow local governments that have refused an application or have not yet made a decision to make a declaration proceeding—in other words, a judicial review of the minister's decision on the basis of state interest. But if the local governments have already approved the application they have no further right. So what is to stop a developer cunningly and knowingly getting the development approval of council, signing on the dotted line—the council signs it off in good faith—and that developer then going straight to the minister and saying, 'This is most unfair. I want you to do a call in.'? The minister does a call in of that development—

Mr English interjected.

Mr HOBBS: If the minister does a call in, the minister can then change those conditions to which the councils in good faith have agreed.

Mr English: Your ministers might be for sale; ours is professional.

Mr HOBBS: But it is this minister who is changing the legislation. There may be ministers in the future who are not all that competent, either. This government is giving them the right to carry out a ministerial rezoning, which the Labor Party had so much to say about in days gone by. Now it is okay. What would happen if Hinze came back, for instance? Government members would argue that this would not be good for him.

Mr Shine: It would be extraordinary, too.

Mr HOBBS: It would be quite extraordinary. He was a great minister and a good minister and he got things done. We have moved on from those days. The 1970s and 1980s are different from the 1990s and now. Obviously the laws of the land and the procedures have changed and we have all moved on. The government is going way back to where we were in the past. It is not moving to where we should be in the future.

Miss Simpson: They have gone far further than Russ Hinze ever did.

Mr HOBBS: As the member for Maroochydore says, this government has gone even further than Russ Hinze would have. The *Alert Digest* states—

Clause 2 of the bill provides that the cl.4 amendments are taken to have commenced on 25 May 2001.

The explanatory notes state—

This date corresponds with the date of commencement of previous amendments to the call in provisions enacted under the Local Government and Other Legislation Amendment Act 2001 ... and therefore provides a consistent approach to commencement of the legislation.

I can see that perhaps that has been the case, but I do wonder why the government has to go back. This is the only time the minister has been caught out. It could really go back to the call-in day, when the minister made that fatal error of interfering and calling in the development. That is the problem the government has. The *Alert Digest* again states—

Proposed s.6.1.55 ... provides that any proceeding for such a declaration, which has not been finally decided by the Planning and Environment Court as at the commencement of the bill's provisions, 'must not be further dealt with by

the Court'. This provision will clearly be adverse to any persons who may have commenced proceedings of this nature which have not been finalised by the date of commencement of the bill.

The committee always takes care when examining legislation that commences retrospectively or could have effect retrospectively, to evaluate whether there are any adverse effects on rights and liberties or whether obligations retrospectively imposed are undue. In making its assessment on whether the legislation has 'sufficient regard', the committee typically has regard to the following factors:

—and these are fairly important—

whether the retrospective application is adverse to persons other than the Government; and

whether individuals have relied on the legislation and have legitimate expectations under the legislation prior to the retrospective clause commencing.

A matter of some significance is, of course, whether any relevant proceedings are currently before the Planning and Environment Court. Although it is clearly at least strongly arguable that persons presently have access to the declaration powers of the court in relation to the exercise of ministerial "call in" powers, it is not clear on the information presently available whether the provisions have, in fact, previously been utilised in this manner.

They have not been. The *Alert Digest* continues—

The committee notes that cl. 5 of the bill will prevent any proceedings currently underway in the Planning and Environment Court, which seek declarations and other orders in respect of Ministerial "call ins", from being dealt with by the Court. In that respect the bill may be said to have retrospective effect.

It certainly has. It continues—

Whilst cl. 5 will clearly be adverse to any such litigants, it is not apparent from the available information whether any such proceedings are presently before the Court.

Well, I believe there is one. The *Alert Digest* concludes—

The committee seeks information from the Minister in this regard.

We will be very interested to hear what the minister has to say in relation to the questions that have been raised in the *Alert Digest*.

There are a few other things that interest the opposition as well. What other reasons would a government have for putting its neck out on something like this? It is an entirely stupid thing to do. Why would the government do it? Obviously, the minister wants to try and help Westfield to get the development under way. That is the only reason I can come up with. We know there is a reason, but it may not be a logical reason.

I did some checking up and I found that, in a couple of different capacities, Westfield has been a regular contributor to Labor Party breakfasts, luncheons and other functions. I see the figure of $2,200 popping up here and there. I wonder whether the minister could advise the parliament as to how much Westfield has provided to this government in the way of donations over a period of time. It would be very interesting to know that.

Mrs NITA CUNNINGHAM: I rise to a point of order. That claim is quite outrageous and I take offence at it. I ask that it be withdrawn.

Mr HOBBS: I withdraw that. The information is on the public record. The minister might advise the House later on today as to just how much has come across. We are only asking for a figure. I have some information—in fact quite a bit.

A government member interjected.

Mr HOBBS: I will just check to see whether those opposite give us the right figures. This is a very important aspect.

A government member interjected.

Mr HOBBS: A while ago the minister asked a question—

Mr Reynolds interjected.

Mr HOBBS: The minister mentioned a while ago that we should be debating the legislation. I am talking about the legislation. The Minister for Local Government and Planning has gone out and has incompetently tried to interfere in a legal process and has now got herself into trouble. This legislation should be withdrawn. The minister might advise the parliament as to when this legislation will come into effect if it is passed in this House this afternoon or this evening. When will the Governor give assent to this legislation? The minister might also advise the parliament as to the situation with regard to a court case that is currently pending. The minister is well aware of that situation. The minister might tell us what she believes is her role in the future if this legislation does not pass through the parliament. The minister might also care to share with us her views as to the changes in the situation if this legislation is passed.

I believe that the government has mishandled this issue. The Integrated Planning Act is a very complicated act. We have put a lot of time into that act. The minister may have some concerns in relation to time frames with regard to development. It takes time for court cases to be finalised. These companies have been involved in these sorts of delaying tactics for quite some time. Let us look at the Integrated Planning Act and see if we cannot change the act in such a way that will allow us to streamline the process. More importantly, why do we not give more people an opportunity to avail themselves of the court process? The delays are horrific.

When I took over as Minister for Natural Resources, the Land Court was on its last legs. We put money into that court and appointed further members to the court in order to get the cases moving. When we came to office we were faced with a backlog of some 640 cases. The situation was quickly going backwards. We were able to get the list back to a manageable number of something like 240. The minister might like to advise the parliament as to the backlog in the Planning and Environment Court. If there is a problem in that area, we should look at it and address it. It may be that the court does not have sufficient personnel to hear the cases. A lot of us have been involved with court cases that seem to drag on. We all want to have court cases resolved as soon as possible. We are all aware of what has occurred with litigation in the insurance industry. We do not want to have court cases that are dragging on for a long time. We do not want to have people deliberately trying to ensure that court cases are dragged out to the absolute death. We need to improve the process.

Mr Shine: This gets over that. This does away with the court.

Mr HOBBS: You are quite right. That is exactly the point of it. That is a great interjection from the member for Toowoomba North. He has said that this does away with the court. That is correct. However, the people must have an opportunity to say something. What I want to do is streamline the system so that people can have their day in court. We need to be able to improve the process.

If certain legislation is necessary, we on this side of the chamber would have no problems in assisting with the passage of that bill. However, where there is no bipartisan support I do not believe that legislation should be passed through this House in one day. All this does is show us that we have an arrogant government that is out of control.

Time expired.

Ms KEECH (Albert—ALP) (3.09 p.m.): I am very happy to rise to support the Integrated Planning Amendment Bill 2002. Sections of the IPA 1997 provide the Minister for Local Government and Planning and the Minister for State Development with the powers to call in and decide a development application if the development involves a state interest as defined by the IPA. As the member for Warrego reminded members, back in 1997 both the National Party and the Labor Party supported the IPA bill.

The protection of state interests in land use planning schemes and decision making on development proposals is necessary to ensure that the state can continue to meet its statutory and jurisdictional obligations to the community. The importance of the protection of state interests in planning was clearly recognised by the IPA 1997. For example, the IPA includes state powers to make planning policies about matters of state interest, for state consideration and approval of IPA planning schemes, for ministerial designation of community infrastructure and for the state to call in and decide a development application if the development involves a state interest as defined by the IPA. Once again, I remind members that the National Party supported this legislation in 1997.

These ministerial call-in powers under the IPA are specifically intended to allow the government to intervene in the development approval process where a state interest is involved and to be the final arbiter on state interest matters. The important word there is 'final'. This is reflected quite clearly in the IPA, since the effect of an application being called in for determination by the state is that any existing appeals are of no further effect. Further, the final decision of the minister, when determining an application called in for determination by the state, is not subject to appeal in the Planning and Environment Court. Obviously, this reflects the community attitude towards call-in powers.

It is very clear from speaking to members in my community and also from reading letters to the editor in the *Gold Coast Bulletin* that members of the public expect the call-in powers to be the final say. It is appropriate that, for consistency, there be no opportunity for declaratory proceedings to be brought against either the minister's decision to call in a development application or the minister's decision on the application itself.

A state interest is specifically defined in the IPA and includes an interest that, in the relevant minister's opinion, affects an economic or environmental interest of the state or a region, or an interest in ensuring that there be an efficient, effective and accountable planning and development assessment system. The member for Warrego may say that there is no state interest involved in this amendment bill. However, the people of Helensvale and the people of Gaven certainly have a different viewpoint. They believe that the efficient and effective use of a transport system, in particular the railway station, is of state interest. It is of interest to the people of Gaven and Helensvale. In particular, they believe that the employment that will be brought to the community with the development of the shopping centre, which is at the centre of this issue, is very important to both them and their families and that it is indeed a state issue.

The implementation of the IPA and the integrated development assessment system is currently in a transitional phase with the majority of local governments using transitional planning schemes prepared under the former Local Government (Planning and Environment) Act 1990. Every local government is required to prepare an IPA planning scheme by March 2003. I am happy to say that the Gold Coast City Council is progressing very well indeed along this way. The IPA requires that a local government must coordinate and integrate state and regional interests into planning schemes. The minister must also be satisfied that a planning scheme does not adversely affect state interests.

Once the IPA planning schemes are fully operational, it is anticipated that state interests will be adequately protected and reflected in planning schemes and, therefore, appropriately addressed through the development assessment process. Within this framework, the ministerial call-in power will clearly function as a reserve power to be used as a last resort to protect the interests of the state. Given that the ministerial call in occurs after the community and local government have usually had numerous opportunities for input into both the plan-making process and the development assessment process, it is appropriate to ensure that the state is the final arbiter on matters of state interest. The proposed amending legislation seeks to correct an inconsistency in the IPA that affects the ability of the state to protect its interests. It is necessary to provide certainty about the validity of a decision to call in a development application and finality about any subsequent decision of an application regarding matters of state interest.

The IPA already requires the minister to submit a report to the parliament outlining, among other things, the minister's reasons for the decision on the application. This bill before the House clarifies that the accountability for decisions in relation to the call-in powers is to the parliament. The community expects that the process will cease when the minister conducts the call in. This bill confirms that. Declaratory action such as that brought by some developers is inconsistent with the intent of the IPA to allow the state to be the final arbiter on matters of state interest. Also, the amendment before the House allows accountability for decisions in relation to the call-in powers to rest with the people, which is the parliament.

In conclusion, I certainly give my full endorsement to the bill before the House. It confirms community expectations, which is that we do not want the call in to be caught up in unnecessary rounds of court appeals while the community waits for much-needed services. The people require the service—for example, the transport—and the jobs and they are waiting for them to be provided to the community. I welcome the minister's courage in bringing the amendment before the House. It has my full support.

Interrupt.

PRIVILEGE

Mr Deputy Speaker, Member for Gaven

Mr HOBBS (Warrego—NPA) (3.16 p.m.): I rise on a matter of privilege suddenly arising. I raise this issue because I think that it is important. Although I have a lot of respect for the member who is in the chair, the reality is that the development that we are talking about now is actually located in the member's electorate. I think that it would—

Mr Reeves interjected.

Mr HOBBS: No, this was an election commitment that the member pursued very strongly. Having something against the member—and I think that he is a good guy—I do not think would be a good idea.

Mr DEPUTY SPEAKER (Mr Poole): Order! I appreciate your comments, but the standing orders are quite clear and there is no conflict.

INTEGRATED PLANNING AMENDMENT BILL
Second Reading

Resumed.

Mr WELLINGTON (Nicklin—Ind) (3.17 p.m.): I rise to participate in the debate on the Integrated Planning Amendment Bill. In speaking briefly to this bill, I refer to the Queensland Local Government Association's objections to the passage of this bill. Accordingly, I take this opportunity to inform all members of some of the extracts and particulars of the Local Government Association's objection to the bill.

Under cover of a letter dated 10 September 2002, the president of the Queensland Local Government Association indicated that at present local governments are the primary assessment managers for development applications under the Integrated Planning Act. The minister does have a power to call in an application if the assessment manager has not decided it and the development involves a state interest. The term 'state interest' is defined in the legislation. Although that definition is broad and gives the minister a relatively wide ambit to determine that something is or is not a matter of state interest, nevertheless the definition has clearly specified statutory elements that must be satisfied before the minister is legally entitled to take a development application out of the hands of a local government and make a state government decision on the matter.

Although there is no appeal or other form of judicial review on the merits in respect of the minister's decision on a development application that he or she has called in, currently there is the ability to use the legal process to review the question of whether the minister's decision that something involves a state interest is a decision that is within the scope of his or her power under the Integrated Planning Act. Although the current legal challenge, which has apparently given rise to this bill, is one by a commercial entity, state and local governments are the primary beneficiaries of the statutory definition of a 'state interest', which defines the boundaries between local government and the state government powers under the Integrated Planning Act. In this way the current act reflects in legally enforceable terms what was negotiated between the Local Government Association of Queensland and the Queensland state government in 1997 about the autonomy of local governments in relation to matters of local concern subject to an overriding state role for matters of genuine state interest as explicitly defined in the legislation.

If the bill becomes law, councils will lose the legal protection because in the absence of any possible form of judicial review the state government can label any issue at all as one of a state interest and thus take the decision making powers out of the hands of council regardless of whether or not the particular application is one which would be recognised legally as falling within the statutory definition of 'state interest'. Thus, the basic effect of the bill is to deprive local councils of the legal protection which they presently enjoy in terms of ensuring that the executive intervenes in development applications only in the specific and defined circumstances prescribed by parliament. That is the basic role of the judiciary in administrative law and reflects a balanced separation of powers. If the bill is passed, the minister's only accountability is to parliament, and a council's only remedy for illegal use of the call-in powers is a political one. Where the government has a strong parliamentary majority, political remedies are all but meaningless.

I do not believe it is appropriate to be now sending a clear message to all developers who may not like decisions made by local councils that as a result of this bill dissatisfied developers can simply line up in a queue and approach the appropriate minister to request that an appropriate council decision be overturned. I certainly do not want to place the current minister or a future minister of the state government in such a difficult and possibly compromising position. For this simple reason I certainly cannot support the bill or the amendments in their current form.

Mr LAWLOR (Southport—ALP) (3.22 p.m.): I rise to support the Integrated Planning Amendment Bill 2002. At the outset, one would really have to wonder what this place has come to when the shadow Minister for Local Government and Planning, Mr Hobbs, has to resort to quoting anonymous legal opinions to support his argument. What is an anonymous legal opinion worth? Not two-bob!

Mr Reeves: Probably from Hobbs and Co.

Mr LAWLOR: The member is quite right. He refuses point blank all requests to inform the House of the name of the author of the legal opinion he has quoted to the House and of course—

A government member interjected.

Mr LAWLOR: The member would be ashamed of it, too. Anyone who heard the argument would probably understand why any person would be reluctant to put their name to that bit of legal advice. Under the Integrated Planning Act 1997, local governments have primary responsibility for planning and for regulating development within their respective areas under the integrated development assessment system. The ministerial call-in power is a reserve power under the IPA and may only be exercised by the Minister for Local Government and Planning and the Minister for State Development where a development application involves a state interest as defined in the IPA. Under the former Local Government (Planning and Environment) Act 1990, this reserve power was exercised via the requirement for every rezoning application to be assessed and considered by the Governor in Council. If approved, notification was required in the *Government Gazette*.

Previously, every rezoning—and there are about 1,500 per year—was submitted to the state government to enable the reserve power to be exercised over development proposals that conflicted with state interests. The IPA significantly streamlines the development assessment process and operates efficiently and effectively in a way that facilitates decision making in respect of the majority of development applications where there is no state interest involved or where the state interests have been satisfactorily addressed. The ministerial call-in power under IPA is a last resort to protect state interests. Where invoked, it also avoids the applicant having to go through the expense and delay of a Planning and Environment Court appeal process which under the former Planning and Environment Act was required to be decided before a rezoning application was considered by a minister.

The call-in powers allow the state to reassess and re-decide an application if the relevant minister is satisfied a state interest is involved and state intervention is required. The decision of the relevant minister on a call-in application is not open to appeal to the Planning and Environment Court. Only eight applications have been called in since the IPA commenced in March 1998. Five were called in by the minister administering IPA and three by the minister administering the State Development and Public Works Organisation Act of 1971. It is clear that the ministerial call-in powers are invoked in very rare circumstances and usually where the local community and local government have had an opportunity for input.

It is therefore entirely appropriate to remove the inconsistency within IPA which allows declaratory action in the Planning and Environment Court against ministerial call ins. Declaratory action in respect of a call in is clearly inconsistent with the intent of the IPA to allow the state to be the final arbiter on matters of state interest. I commend the minister and her staff on this bill which will give effect to the original intent of the Integrated Planning Act. I commend the bill to the House.

Mr SHINE (Toowoomba North—ALP) (3.26 p.m.): I briefly want to support the minister in her remarks in her second reading speech and the remarks made by members of the government on this occasion. I was rather intrigued by the vehemence of the member for Warrego's comments with respect to his response to the minister's second reading speech. The intent of this amending bill is, as has just been well described by the member for Southport, to aid the principle of consistency with the original intent of the head bill, that is, the call-in powers of the minister. It is something that obviously was not considered originally when the legislation, as I have heard today, was introduced by the previous government as I understand it. The idea of the amending bill is simply to rectify what would appear to have been something that had not been thought of previously. Why the member for Warrego has been so passionate in his objection to this remains unclear in my mind and perhaps it might become more transparent as the debate ensues today.

The call-in powers are very clearly set out in the bill and nobody here is denying what they mean. The powers contained in sections 3.6.6 of the IPA are to the effect that the minister can call in and decide a development application if the development involves a state interest as defined by the IPA. The ability for state intervention to protect state interests is something that is accepted by both sides of politics as being desirable for the good order and running of the state. Therefore, the ability to correct the inconsistencies so far as one is currently enabled to bring an action for a declaratory judgment seems to me to be commonsense and something that should be supported by both sides of the House if both sides of the House were supportive of the general principle in the IPA to begin with.

The member for Warrego did refer to the fact that the Scrutiny of Legislation Committee has made reference to this amending bill. It asked the question: does the legislation have sufficient regard to the rights and liberties of the individual? At the end of the day it refers to this parliament, as it should as the House of the people, the question of whether the relevant provisions of the bill

have sufficient regard to the rights of development applicants and others who may presently enjoy such rights. The minister has to report to the parliament. The idea of this amendment bill, in part at least, is to clarify those obligations. So it is not a question, as I understand it, of the executive taking away the rights of ordinary people. In fact, the rights of ordinary people are protected in terms of the role of this parliament. That will continue and, as I understand it, will be strengthened by this legislation.

Finally, I regret that I have not had time to research the position in other states. However, I refer the House to a comparable act in New South Wales, the Environmental Planning and Assessment Act 1979, and refer the House to section 88 of that act, which states that sections 82, 97 and 98 do not apply to or in respect of the development application determined by the minister under subsection (7) or its determination. As I understand it, that is basically a comparable calling-in power in New South Wales and is an example of similar legislation to what we are talking about today. I commend the minister for her attention to this matter and the speed with which she has prepared the legislation and brought it into the House.

Miss SIMPSON (Maroochydore—NPA) (3.30 p.m.): I rise to speak against the Integrated Planning Amendment Bill. For Gold Coast members, I think the issue of whether a project should take place and under what conditions has focused on one particular project. The thing they are forgetting is that the legislation will apply to all local government areas, other projects in the future and unknown future events. It is the principle of the legislation that has me concerned. Government members used to rail against ministerial intervention and complain about so-called ministerial rezonings, yet the legislation before the House is strengthening the hand of the Local Government Minister and this government to intervene and do away with judicial review positions.

Since this bill was tabled another amendment has been presented to the parliament—and will be passed if government members support it—that will give some powers back to local government for judicial review, such as if they have not already approved or have knocked back a project. However, the big loophole is that they may in fact have approved something. If the minister calls it in, the minister has the ability to change the conditions under which a project was approved. That is an extremely significant loophole. In effect, we still have a curtailing of the powers of local government, let alone those of all the other people who may have the ability to take judicial review to exercise their legal rights for accountability, and to make sure that the legislation as outlined is implemented according to a state interest.

As I have said, I know some members are worried about a particular project. But where does it leave the principle of law if we open the door so wide to allow the minister the power to take away people's rights? This goes a lot further than even Russ Hinze used to go in his time. Some people used to criticise ministerial rezonings and others used to say that they were relatively rare. Now this minister claims to be accountable and yet is removing the power of judicial review where the government has exercised a significant call-in power.

We have heard that the Local Government Association has expressed grave concerns about this legislation, and the subsequent amendment to the legislation does not resolve all of those concerns. As Noel Playford, the president of the Local Government Association, said in a letter dated 10 September that has already been referred to by other honourable members, the bill is not limited to that particular matter—the Gold Coast issue—but applies generally to all local governments and all development applications. He also states in his letter that in short the subject bill was introduced into the Legislative Assembly on 3 September 2002 without prior consultation of any kind with the LGAQ. Local government is opposed to the content of the bill and also seriously concerned that the minister elected to act outside the requirements of the Queensland Constitution Act 2001 in not consulting with the LGAQ. Also, serious questions are raised in the Scrutiny of Legislation Committee's report, which have been referred to already, in respect of the rights of development applicants not being sufficiently taken into account in the provisions of this bill.

When a minister gets into a pickle by making a decision and, despite having the opportunity to defend that decision in a court of law, the minister gets around that process by changing the law rather than fronting up to the court, that is an extremely poor process. One member mentioned that he was pleased that this legislation had come forward so quickly. I think that member will rue the day that they put together this legislation in this 'slaphazard' and shoddy way given that it is giving a significant power not only to this minister to cover her mistakes and overcome a poor decision-making process in the way she has intervened; it will also influence the actions of future ministers. The awareness that the process of their being subject to judicial review for the quality of their decisions is now being severely curtailed and, in many ways, removed will

mean that future ministers may pay even less attention to the due process of decision making or to ensuring that there is a proper process and integrated planning process in this state. That draws attention to the concerns of local government and other applicants who go through what they think is a due and legal process.

I am concerned that this legislation is not just for one issue but for many issues that are yet to emerge. It will also influence future local government ministers, particularly if this minister does not survive long in this job. That is a concern. Good planning processes must be pursued. We must have legislation that does not provide ministers with loopholes to overcome their 'slaphazard' and hasty decisions when they do not put together a well argued position that they can uphold in a court of law where a judicial review has been called for.

I speak against the government's amendment bill because of the principle of this legislation. It is the principle of the extension of ministerial power to overrule people's right to bring their arguments before the courts in a judicial process that I am speaking against.

Mr McNAMARA (Hervey Bay—ALP) (3.37 p.m.): I rise to support the Integrated Planning Amendment Bill 2002. The bill streamlines the Integrated Planning Act by providing for a limitation on the power to bring declaratory proceedings under section 4.1.21 of the substantive act to matters not involving ministerial call-in provisions. Those ministerial call-in powers, although rarely used, are important in allowing the government to intervene in the development assessment process where state interests are involved. It is important that the bill before the House clarifies the intent of the substantive act insofar as where state interests are involved the state remains the final arbiter of those matters. The development industry needs the certainty of knowing that the final decision of the relevant minister when deciding an application called in for determination by the state is not subject to an application for declaration in the Planning and Environment Court.

The ability to bring declaratory action in the Planning and Environment Court in these circumstances is clearly at odds with the intent of the substantive act. Up and down the length and breadth of Queensland developers will understand the sense of the state being the final arbiter of matters of state interest. Every now and then, like having to hand crank an old engine, it is necessary for the minister to get hands on in development that involves state interests. The minister will act decisively and report to the parliament outlining the reasons for the decision on the application.

I congratulate the minister on bringing this bill to the House. The Beattie government is a can-do government that is very aware of the need to provide a legislative environment in which business can invest and develop with certainty to create the jobs we need so greatly. This is a decisive government that will act to deliver outcomes for Queensland and which is not afraid to take a lead role in matters of importance to Queensland. The primacy of parliament is respected with the minister remaining accountable in this place. After all the hoopla and carry on by the opposition about the litigation strangling our communities, I find it more than a little hypocritical that it should stand here and argue for more legal process and prerogative writs to be piled on the already detailed process of planning approvals. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (3.40 p.m.): Planning issues and planning approvals are of concern to the community, to the local government which administers the area and to state and, at times, federal governments. These relatively new call-in powers were used prior to the legislation as ministerial interventions and received due and, at times, necessary criticism. The new call-in powers were used by State Development with the Lang Park redevelopment. Whilst there are probably many issues behind the Lang Park matter, I and quite a number of members on this side of the chamber were spoken to by folk who surround and live in close proximity to Lang Park. We knew of their disappointment and their sense of disenfranchisement when that call in occurred.

Mr Reeves: Only a small number.

Mrs LIZ CUNNINGHAM: It may be a small section of the community but it is a section of the community that has to wear the impact of that development, and they have a justifiable voice.

This amendment bill has been prompted by a development at Helensvale. I do not know the background to that development in detail, but it is my understanding that it was approved by the Gold Coast City Council and subsequent to that approval the minister called in the development. The minister is indicating that that is wrong, and I am happy to get that detail later. Development approvals taken over from local government by state government are always a concern to local government. Other members have referred to *Alert Digest No. 8 2002*, which states—

... call in powers ... effectively enable the Minister, where a development application involves a 'state interest', to call in the application and:

if the application has not yet been decided by the assessment manager, to assess and decide the application in the assessment manager's place; or

if the application has already been decided by the assessment manager, to reassess and re-decide the application in place of the assessment manager.

The Minister's decision on the application is taken to be that of the original assessment manager. However, a person may not appeal against the Minister's decision and if an appeal had been made before the application were called in, the appeal is of no further effect.

Under the legislation the minister not only has the power to take over a project development approval process but also the additional power of the decision not being appealable.

Local governments are concerned generally to ensure that conditions apply to approvals that cover the needs of safety, amenity, access, et cetera. I acknowledge that there are instances—and many members here could refer to such instances—where local governments have been seen to be heavy handed in their application of conditions and excessive in their requirements for either financial contributions or contributions in kind, whether that be land or something similar. However, local governments feel greatly aggrieved when their powers are usurped in just the same way as state governments feel aggrieved when the federal government takes over what is normally a state government jurisdiction.

I noted in the explanatory notes that came with the original bill that consultation was between the Department of the Premier and Cabinet, the Department of State Development, the Office of Parliamentary Counsel and Crown Law. There is no reference at all to either the Local Government Association of Queensland or the Gold Coast City Council, the specific local authority involved in the approval of the project that predicated this bill. I would be interested in understanding why there was no consultation if not with the council involved then with the Local Government Association, because it is keen to be as creatively and as positively involved in the development of legislation that potentially can affect it. It wants to build that relationship positively now and in the future. The amendment that was circulated this morning does give some recognition to the planning role of local government and the assessment manager.

If my understanding is right and the development at Helensvale figured in part in what we are deliberating today, it is a matter of localised importance, and I do not mean that in a derogatory way. During the last term of parliament a shopping centre was proposed for Morayfield where the applicants were going through a great deal of difficulty getting the construction commenced because of extended and what they regarded as vexatious litigation. The minister at the time listened to both sides of the argument and subsequently brought in special legislation targeted to that particular situation to deal with the difficulties that the proponents faced, particularly with regard to the vexatious litigation. Special legislation in that sense was able to deal effectively and in a targeted way with the development challenges being faced. I believe that in the case on the Gold Coast the same thing could occur.

It is always concerning when significant powers are conferred on a minister irrespective of who that minister is—and I do not mean that as a personal comment—without any opportunity for those affected persons, whether they be the applicant or the appellant, to be able to question either judicially or through some other mechanism the decision of the minister. I understand that in some situations a decision has to be made and the proposal either discontinued or continued because of its being hampered by vexatious action. However, they would be the minority of cases. As I said, the power given to a minister of the Crown without appeal rights is always of concern. In this instance, I have a great number of concerns and will not be supporting the legislation.

Mr NEIL ROBERTS (Nudgee—ALP) (3.47 p.m.): I am a little confused by the National Party approach to this issue, because it is my recollection that it was the National Party that introduced the Integrated Planning Act in 1997 which contained the very call-in powers which this bill seeks to clarify today. That is all the bill before the House seeks to do—that is, to clarify the original intent of the bill as it was introduced by the National Party in 1997. After listening to the contributions to the debate from the members for Warrego and Maroochydore—and no doubt the member for Callide, who is about to contribute to the debate—I really find it lacking credibility—

Mr Hobbs interjected.

Mr NEIL ROBERTS: I am talking about the National Party response. I really think it lacks credibility that those opposite introduced a bill in 1997 and the parliament passed it which contained this very power. All that is being sought with this bill before the House is to clarify the

original intent of that bill. I think the credibility of the National Party on this issue is seriously in question. In the overwhelming majority of cases, local authorities are the appropriate assessment manager for development applications within their boundaries. That of course is provided for under the Integrated Planning Act. It is an efficient and effective system which ensures that local planning laws and requirements and community concerns are properly taken into account and the laws are applied at the local level. There are, however, instances where there are broader planning interests involved which require additional or special treatment, and in the case of the Integrated Planning Act matters of state interest clearly fit into this category.

Under the act matters of state interest are in the main defined as matters that affect an economic or environmental interest of the state or the region, which is the principal power under which the call-in provisions are enacted. Under the Integrated Planning Act the Minister for Local Government and Planning and the Minister for State Development have the power to call in or, in fact, become the assessment manager for any such development applications. That power is outlined in sections 3.6.5, 3.6.6 and 3.6.7 of the act. The minister can only call in a development application if it involves a state interest as defined. The minister's notice to call in an application must state the reasons for doing so, and, as I understand it, the minister must also continue to follow the assessment process or stipulate the point in the assessment process at which it will restart. The act also clearly provides that where a minister enlivens the call-in powers he or she will be the final arbiter of the matter and the decision is not subject to appeal in the Planning and Environment Court. Again, these are the provisions that were introduced in the 1997 bill by the National Party government.

One of the key accountability provisions in the act is the requirement for the ministers to submit a report to the parliament outlining the reasons for the decision on any matter that has been called in. There are therefore two public accountability steps or provisions in this process: firstly, the minister must give written reasons in the notice to the assessment manager, which is the local authority; and secondly, the minister must outline his or her reasons for a decision in the matter to the parliament. Accountability is therefore to the parliament and ultimately to the people.

The power to call in development applications can sometimes elicit an emotive debate, as has been evidenced by this debate, but most of us can recall some of the more notorious ministerial rezonings from the Bjelke-Petersen era that have been referred to. Under today's Integrated Planning Act—the National Party, to its credit, introduced it—much more transparency and accountability is built into the process.

There are two important issues here. Some people oppose absolutely the power of the minister to call in particular development applications, and that is a debate for another day. For the record, I believe that such powers are required in certain instances because there will always be some planning matters where the state's overall interest or the public interest considerations of Queensland as a whole need to be considered. The other issue—which is really the subject of the debate here today, and it is separate from the argument about whether such powers should exist—is the proper exercise and implementation of those powers.

It could not seriously be argued that if the power exists—which it does, having been introduced and supported by both sides of this House in 1997—it should not provide clear and specific processes for the minister to follow without undue interference. On anyone's reading of the original bill and the current act and the second reading speeches and debates when it was introduced, that was clearly the intent of the legislation. In this instance, because of issues that have arisen, the act needs clarification to ensure that the call-in process can operate without unintended interference by parties taking court action. The ability of a party to bring a declaratory action in the Planning and Environment Court is clearly inconsistent with the intent of the act to allow the minister to be the final arbiter on matters of state interest as defined under the act.

This bill makes it clear that declaratory actions cannot be taken against the use of ministerial call-in powers. It is a sensible and necessary amendment that removes an inconsistency in the current act, and accordingly I commend the bill to the House.

Mr SEENEY (Callide—NPA) (3.54 p.m.): I rise to make a contribution to this debate on the Integrated Planning Amendment Bill and to support the quite extensive comments made by the member for Warrego on behalf of the opposition when he indicated the position the opposition would take on this piece of legislation.

What the previous speaker and the member for Nudgee said is true—that the Integrated Planning Act was introduced by the National Party government and that it went a long way to

addressing a whole range of issues and to changing the way that planning was done at a local government level right across the state. A lot of very positive changes were brought about by the Integrated Planning Act. It was a fundamental shift in planning processes and it has taken quite some time for that fundamental shift to be bedded down.

The integrated planning process has gone wrong in some places in the transition between the legislation and the actuality of its administration at a local level. Right across Queensland, and particularly in some of the smaller local authorities, the way the Integrated Planning Act was put in place has caused a degree of angst and frustration and it has caused almost a backlash from particular sections of the community who have had to struggle with this momentous change. They have had to struggle with a local authority trying to administer something in a way that I do not believe was ever intended by those who put together the Integrated Planning Act and those who supported its passage through this House.

There has been a degree of frustration among a number of stakeholders in the planning process, but they have all had to work through that frustration. They have all had to work through the changes that have been brought about by the Integrated Planning Act, and hopefully more of those problems will be ironed out as time goes on.

We have before us today a bill that seeks to get the minister out of trouble, which was the point being made by the member for Warrego. Rather than dealing with the Integrated Planning Act and working through its changes and frustrations like everybody else, the minister has come into the House and sought to change the act to solve a particular problem she has. Wouldn't it be wonderful if everybody else who has had an issue with the Integrated Planning Act since it was introduced had the same luxury of coming in here and changing the act to suit themselves? Wouldn't that have been wonderful for all my constituents and all the constituents represented by every other member in this House who have had to battle with the Integrated Planning Act! It would be absurd if people were able to change the act to suit themselves every time they came up against an issue, but that is what is happening now. It is happening for the same reason that we see so much dodgy legislation introduced into this House—simply because we have a government with a huge majority that has become arrogant and unanswerable to the people.

We have a government with 66 seats that believes it can do anything. We are seeing more and more of this type of legislation, and there is no way in the world this type of legislation would be in this House were it not for the growing arrogance of the Beattie Labor government. We have a minister who is quite clearly in trouble and who is quite clearly trying to address a particular issue—the point needs to be made again that we are talking about a particular issue that is before the courts—and rather than address the issue there and go through the court process, the minister has sought to come into the House and amend the act to effectively nullify the rights of the people who are involved in that court action.

To take away the rights of a party who has gone to the trouble and expense of litigation in whatever field we are talking about is not something this parliament should ever do lightly. It is not the role of this House to pre-empt the decisions of a court at any level or to take away the rights of litigants before those courts. That is something the Scrutiny of Legislation Committee identified in its report. It expressed quite some concern about the fact that the rights of people are being taken away, that the rights of those people to be judged under the current legislation are being removed by this bill.

Another issue is the retrospectivity of the legislation. I think most of us in this House would agree that when we consider legislation we have to be very careful about the prospect of that legislation acting retrospectively. That is happening in this case. If the call-in powers were going to be exercised by the minister, why were they not exercised before this particular issue got to the point it has? If the arguments that have been put by a number of members on the government side had any degree of legitimacy, they and the minister would be able to answer that question. If the call-in powers were being exercised in a legitimate manner, why were they not exercised before the issue got to the point that it has?

Quite clearly, the call-in powers were not exercised until such a time as the minister chose to intervene in an issue and then found herself in all sorts of trouble. We have a government that misuses this parliament to try to get the minister out of trouble. That is what this legislation is all about. For no other reason this parliament should reject the legislation.

The parliament should reject the legislation based on the Scrutiny of Legislation Committee's report. I have read a number of reports from the Scrutiny of Legislation Committee over a period of time, but this report is one of the more scathing in terms of what it says about the

legislation—or what it does not say, more particularly. The comments of point 17 of the report bear repetition. Previous speakers on this side of the House have quoted the report in this regard, but I repeat—

> As mentioned above, cl.4 of the bill deprives aggrieved applicants and other persons of any rights which they may presently have to access the 'declaration' powers of the Planning and Environment Court …

It would be bad enough if legislation did that at any time, but it is particularly noteworthy and particularly disturbing when legislation seeks to do that at a time when there is a major issue before a court—when an aggrieved applicant is seeking their day in court. To usurp that, the minister comes into this House with a piece of legislation that seeks to change the way the act has operated for quite some time. That is particularly disturbing. The extent to which that cuts across any sort of understanding of natural justice cannot be overstated.

Is it any wonder that the Scrutiny of Legislation Committee has identified the difficulties that brings to this parliament within the language that is available to that committee? It talks about referring the matter to the parliament and so on. The other point in the report worthy of note is point 24. It states—

> The committee seeks information from the Minister in this regard.

That comment relates to whether proceedings are presently before the court. I would have thought the minister had an obligation to ensure the committee was aware of that. I would have thought the minister had an obligation to ensure that this parliament was aware of that before this legislation was debated in this House. I have not heard any of the speakers from the other side of the House refer to that at all. I hope that when the minister replies to this debate she addresses the issue the Scrutiny of Legislation Committee has quite rightly raised. The minister should address the issue of the aggrieved litigants and how this legislation will affect the rights they enjoy under the legislation as it currently stands. The minister should set out how this bill will affect their rights and how she can justify asking this parliament to take away the rights those litigants currently enjoy.

I do not think it is good enough for members of the government to come in here with speeches that have been quite clearly pre-prepared and talk in broad terms about the Integrated Planning Act, the broad planning principles and the types of things we basically all agree on. In reality, this legislation is before this House today for a particular reason. Let us deal with the reality of that. If the government is asking this parliament to pass this legislation for a particular reason then it should be honest and deal with that reason. I think there is a responsibility on the minister to do just that. She should not just use the government's huge majority to steamroll this legislation through the parliament and not adequately explain the real reasons this legislation is before the House.

A range of issues that relate to the Integrated Planning Act probably deserve consideration with a view to amendment. I do not think anyone would suggest that the Integrated Planning Act as it was introduced by the previous coalition government has proven to be perfect by any stretch of the imagination. I think there are a range of areas the minister needs to look at with a view to making amendments to make that act serve its original purpose better. I do not think the legislation before the House today proposes an amendment that is a high priority for local government or those who have to work with the Integrated Planning Act. There are a range of other areas in which the Integrated Planning Act could have been amended.

The comments of the member for Warrego have been reinforced to me by people I know within the Local Government Association; that is, the Local Government Association was not even consulted with regard to this legislation. That begs the question: what will happen to all of the other areas of the Integrated Planning Act in relation to which consideration needs to be given to correct parts that have proven to be unwieldy or do not work in the way originally intended by the architects of the legislation?

I think the minister has a responsibility to explain to this parliament before we pass this bill why this is such a priority. Why is this a priority over all of the other areas in which amendments could have been considered by this parliament? There are a whole range of people out there in the community who struggle with the frustration of some of these areas of the Integrated Planning Act. They are out there in communities all over the state. They are out there in not just the big communities, with the big planning applications. Some of the smaller communities are coming up against provisions in the Integrated Planning Act which could do with some amendment and could quite arguably be said to be of much higher priority than the amendment we see before the parliament this afternoon.

In conclusion, I reiterate what the member for Warrego said, and I support the position that he put to the House—that is, that this piece of legislation is simply here to bail out a minister who has proven to be incompetent. We are seeing that in relation to a range of ministers in the Beattie Labor government who have not proven to be up to the task. This is simply another piece of evidence to support the fact that there needs to be a revamp on the front bench of the current government. There needs to be an injection of talent. It is one thing to have a huge majority in this parliament and to be able to come in here with a piece of legislation and push it through, but for the sake of the people of Queensland we need ministers who are competent, who can understand their portfolios and who do the job. It is increasingly obvious that there are a number of ministers in the current government who are not up to that task.

This legislation this afternoon—

Mr DEPUTY SPEAKER (Mr Fouras): Order! The member for Callide is being somewhat derogatory and I am having great difficulty in protecting him. However, I am sure he can look after himself.

Mr SEENEY: I am sure I can, too.

Mr Livingstone interjected.

Mr SEENEY: I take the interjection from the member for Ipswich West. There is no greater arrogance than the arrogance of the Beattie Labor government with a 66 seat majority. There is nothing more—

A government member interjected.

Mr SEENEY: I think the member—

Mr DEPUTY SPEAKER: Order! I ask the member to speak through the chair, please. I also ask him to get back to the bill.

Mr SEENEY: I appreciate the opportunity to make some comments on the Integrated Planning Amendment Bill this afternoon. It is unfortunate that it is before the House. It is unfortunate that it has been brought before the House in the manner that it has. I think it is something of an insult to the people who have to deal with planning at a local level—the real practitioners who have to work within the Integrated Planning Act. I think that this particular piece of legislation is something that will not be well accepted by those people; nor should it be. It represents the type of legislation that this parliament should reject.

I have no doubt that this parliament will not reject this legislation. That is the harsh political reality of this place. It is the harsh political reality of a government that has a majority of any size in this House. I do not believe that we should accept such legislation lightly in this House. I believe that every time a particular piece of legislation of this type comes before the House the points that have been made by the Scrutiny of Legislation Committee should be made again and again because they are relevant points and they are points that all of us as legislators should be mindful of.

When a minister gets himself or herself into trouble, it is up to the minister to get himself or herself out of trouble. It is not a role that should be placed on us as legislators in this parliament. We should not be asked to interrupt our normal flow of business to consider a piece of legislation that is designed simply to get an incompetent minister out of a tight situation. I suggest that the House should reject this particular piece of legislation.

Mrs ATTWOOD (Mount Ommaney—ALP) (4.14 p.m.): I rise to support the Integrated Planning Amendment Bill 2002, which is a thoughtful response to the limiting of the power to bring declaratory proceedings under the Integrated Planning Act to matters not involving ministerial call-in provisions. The power to undertake a declaratory action in the case of a ministerial call in is provided by legislation. The only way to limit the power is by legislative amendment. We need to acknowledge the reality of the benefits of the Integrated Planning Act and ensure that the resources are there to manage the process for the benefit of all Queenslanders. The Premier, the Hon. Peter Beattie, and this government acknowledge their responsibility to approve and ensure appropriate sustainable development projects are encouraged, nurtured and promoted.

This amendment is to be made retrospective to 25 May 2001 as this is necessary to remove any doubt about the validity of any decision by the minister to call in a development application and any subsequent decision on that application. The Integrated Planning Act provides both the Minister for Local Government and Planning and the Minister for State Development with the power to call in and decide a development application if the development involves a 'state

interest' as defined by the IPA. These ministerial call-in powers under the IPA are specifically intended to allow the government to intervene in the development of an assessment process where state interests are involved and to be the final arbiter on state interest matters. This is reflected quite clearly in the act, since the effect of an application being called in for determination by the state is that any existing appeals are of no further effect.

The final decision of the relevant minister when determining an application—called in for determination by the state—is not subject to appeal in the Planning and Environment Court. This does not diminish the responsibility for calling in, as the relevant minister must satisfy members of this House of the appropriateness of their actions. The IPA already requires the responsible minister to submit a report to the parliament outlining, amongst other matters, the minister's reasons for the decision on the application. This bill clarifies that the accountability for decisions in relation to the call-in powers is to the parliament.

There is currently a degree of confusion regarding the IPA processes involving the ministerial call-in powers, and this bill appropriately provides that, for consistency, there be no opportunity for declaratory proceedings to be brought against either the minister's decision to call in a development application or the minister's decision on the application itself. Where state interests are involved, the state must be the final arbiter on state interest matters to ensure consistency of approach to development and economic and environmental sustainability. For example, there is no point in approving further irrigated cotton schemes using water belonging to or managed by the state if the economic and environmental sustainability of the region will be compromised, and the best arbitrator in these development circumstances must be the relevant minister.

The ministerial call-in powers under the IPA are specifically intended to allow the government to intervene in these types of development assessment processes where state interests are involved and also to be the final arbiter on state interest matters, and therefore the ability of a party to bring a declaratory action in the Planning and Environment Court is inconsistent with the intent of the IPA to allow the state to be the final arbiter on matters of state interest and to allocate accountability for decisions in relation to ministerial call ins to parliament.

I congratulate the minister, the Hon. Nita Cunningham, for her efforts to improve the system. Through this bill we can give back to indigenous families and communities the capacity and the power to do what is surely their right—to bring up their own children in a safe and nurturing environment. I commend the bill to the House.

Mr JOHNSON (Gregory—NPA) (Deputy Leader of the Opposition) (4.18 p.m.): This legislation should qualify for the hypocrisy award; it should at least be in the grand final, anyway. Many speakers have spoken to this legislation, the Integrated Planning Amendment Bill, but this bill typifies the total abandonment of any ideals by the Beattie Labor government. Not only has this government abandoned the union movement with its legislation banning industrial action by the Queensland Police Service, but with this legislation all the feigned indignity about ministerial intervention in the development process has also been revealed.

I was going to delve back into the *Hansard* record for the indignant ranting and raving that went on by members opposite in relation to the ministerial call-in powers, but I decided it was not worth it because this government is going to ram this bill through and sit back and watch it happen. The media will certainly sit back and watch it happen, too.

Some members may remember a lot of criticism about the proposed use of call-in powers in relation to a new shopping centre development on the Gold Coast. Remember the hue and cry about that! Well, guess what this bill is designed to do! It is going to exempt appeals against the calling in of a shopping centre at Helensvale. May I simply urge serious students of politics to go back and view the position taken by Labor in the 1960s and the 1970s and compare that with what this bill provides.

It is not sufficient that this legislation absolutely drips with hypocrisy. To add insult to injury, it is retrospective. Just what does this retrospectivity provide? Quite simply, it removes the minister's decision in relation to the call-in powers from any judicial scrutiny. It puts the minister above the law. I cannot imagine just how proud the civil rights lawyers must be of this legislation!

Of course, the government will argue that these provisions are necessary for all developments to proceed in the state's interest. But let us look a bit deeper at the issue. Why is this legislation necessary at all? Some commercial enterprises on the Gold Coast have questioned if the call-in powers exercised by the minister actually comply with the law in that the relevant development involves state interests. If the call in that has been exercised complies with the law, then there is no necessity for the bill to be placed before this House. That is fairly

obvious. Let me repeat that so that the members opposite can understand: if the call in that has been exercised complies with the law, then there is no necessity for this bill to be placed before this House. Because the bill is placed before this House, I can only assume that the government is concerned that its call in does not meet the state interest test and, therefore, is illegal and represents an abuse of ministerial power. Otherwise, why introduce this retrospective bill to kill off the legal processes that have been lodged?

Conversely, if the appeal fails, then why is this draconian legislation necessary at all? Under this bill, the minister can call in any development project that he or she so desires. In June last year, the Minister for State Development used his powers under the Integrated Planning Act to call in the Lang Park redevelopment. We received all kinds of assurances from the minister that the conditions of his approval process would protect the rights of individuals and businesses impacted by that project. We already know how the local business groups were specifically prevented from participating in the consultation process. What about the traffic planning process that the Treasurer said was in place during the development process? All I can say is that if the Hale Street access treatment was in the plan, then the plan must be all about keeping any proposed disruption a secret.

The minister said that an advertisement was placed in the *Courier-Mail*. That is a big deal! Not everybody reads the *Courier-Mail*. Not everybody knows what is going on. There should have been some signage so that people knew what was going on. What about putting some notice on the site? What about something as basic as some detour signs? After the public outcry, they suddenly appeared. I ask: why were they not in the plan to start with? That is the real issue. There was no adequate warning, no adequate signage and, in fact, I would argue that there was no plan.

So here we have this legislation again screaming out to Queenslanders 'Just trust us'. The Minister for Local Government is saying precisely that—'Just trust us'. I wonder what the Local Government Association of Queensland has to say about trusting this minister? I wonder what it would have to say about this open and accountable government? I wonder what it would have to say about this government's commitment to consultation?

Firstly, I will clear up the question of consultation. The LGAQ, in its letter to the Premier, stated that this bill was introduced 'without prior consultation of any kind with the LGAQ'. So this 'trust us' minister did not even have the courtesy of talking to the LGAQ about this most serious piece of legislation that impacts directly upon the responsibility of local authorities. What a deliberate and treacherous act from a minister who I thought would have had at least a skerrick of appreciation of the importance of local authorities.

There is no greater example of the arrogance of this government than this bill that is before the House. It is bad enough that this Minister for Local Government fails to consult with local government, which is the prime reason for her existence, but also it appears that the government has broken section 77 of the Queensland Constitution. I note with some concern that this matter has not been addressed by the Scrutiny of Legislation Committee, possibly because it was not aware of the concerns that had been raised by the LGAQ. But here today we have the Beattie government rushing through this legislation to protect the minister using this House to rubber-stamp this abuse of the Constitution.

The minister has failed to consult with the local government of the state while she castrates their rights. This bill is a clear abuse of this parliament and the judicial process. It is a manifest example of the contempt with which this government really holds for due process. This is another example of setting up a process that is open to abuse. It is a process that is open to corruption like some of the other processes that have recently been highlighted.

In conclusion, I would like to read the following quote—

> No government will have all the ideas, expertise or insight on any particular matter. The community is entitled to be fully and properly informed about what laws and policies are needed, their object, cost, purpose and effectiveness. The community must also be told of the consequences of applying the laws. Parliament can easily be prevented from properly performing its role by being denied time and resources. Any government may use its dominance in parliament and its control of public resources to stifle and neuter effective criticism by the opposition.

That quote is from pages 123 and 124 of the *Report of a Commission of Inquiry Pursuant to Orders in Council*, otherwise known as the Fitzgerald report.

I ask: what has happened to the community consultation in this case? I also ask the minister why the opposition is being denied the appropriate time to consider this bill and to consider the amendments. As the member for Warrego, the opposition spokesman, has said in this House today, the opposition will oppose this bill. We will oppose this legislation but also call upon the

Queensland community to seriously examine the prostitution of the parliamentary process that is taking place here today.

Mr CUMMINS (Kawana—ALP) (4.26 p.m.): I rise to participate in the debate on the Integrated Planning Amendment Bill 2002. The state has a broad range of statutory and jurisdictional obligations with respect to promoting sustainable communities, including providing a range of supporting infrastructure and services and in facilitating economic development. The Integrated Planning Act 1997—or the IPA as it has become universally known—clearly provides for the protection and integration of state interests in land use planning schemes and decision making on development proposals.

As the only councillor who was successful in being elected to this place at the last state election, obviously I keep an eye on and have a major interest in and contact with local governments. Both the Minister for Local Government and Planning and the Minister for State Development have a reserve power under the IPA to call in and decide a development application if the development involves a state interest as defined by the IPA. I believe we should ask: why was this power put in the act if it was never to be used in the best interest of the state? These ministerial call-in powers under the IPA are intended specifically to allow the government to intervene in the development assessment process where state interests are involved and to be the final arbiter on state-interest matters. This final decision-making responsibility is clearly provided for in the act, since the effect of an application being called in for determination by the state is that any existing appeals are of no further effect. I believe that Queenslanders feel content knowing that local governments have a watchdog to ensure all Queenslanders' best interests when they oversee local councils. There are good councils, but it is no secret that there are also some that are struggling. The state government has community support to continue to act for all Queenslanders.

Recently, I met with Caloundra Mayor Don Aldous. I know that Caloundra city ratepayers are grateful for the over $4.5 million that was supplied in 2001-02 by the Beattie Labor government.

An honourable member interjected.

Mr CUMMINS: I take the member's interjection. The Kings Beach redevelopment is absolutely superb. I fully supported that development when I was a member of the Caloundra City Council.

Maroochy Shire Council residents are also very appreciative of grants of close to $3 million for the year 2001-02. This inept opposition has failed to mention during the debate how local councils have been duped by the federal coalition's offer of financial help after the HIH collapse.

Local councils in Queensland are telling me that they are unlikely to qualify for the help promised by Prime Minister John Howard after the HIH Insurance collapse. This is a very big issue on the Sunshine Coast, because if councils lose some major insurance claims against them the impact will flow on to residents and ratepayers because we have been duped by the federal government. It appears that the offer made by the federal coalition government in June last year has turned out to be worthless. Local councils have been duped and they are not very happy. This could have up to a $3.5 million impact on Queensland ratepayers. That is the amount of money by which councils are out of pocket and which they will have to find through rates.

Queensland Treasury's initial assessment is that under the Commonwealth government guidelines no Queensland local government would receive any benefit from the package because of a requirement that the local government must bear that part of any financial loss which is equal to or less than 10 per cent of council's total average revenue. The offer is significantly below the Local Government Association's expectation. I am concerned that the Commonwealth's hardship criteria are set so high that few if any Queensland local governments would qualify for assistance under the Commonwealth package. So why does this opposition not stand up for Queensland ratepayers instead of being the federal Liberal's lap-dogs? I commend the bill to the House.

Hon. N. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) (4.32 p.m.), in reply: I thank all members who participated in the debate on the Integrated Planning Amendment Bill 2002. As members will be aware, this bill seeks to remove an inconsistency within the IPA that impacts upon the ability of the state to protect its interests through the development assessment process. The bill involves an amendment to the Integrated Planning Act to ensure that declaratory actions cannot be taken against the use of ministerial call-in powers. The bill is made retrospective to 25 May 2001 to correspond with the date of commencement of previous amendments to the call-in provisions enacted under the Local Government and Other Legislation Amendment Act 2001 and therefore provides a consistent

approach to commencement of the bill. The bill also includes a transitional provision to ensure that any declaratory proceedings in the court in relation to the call-in provisions that have not been decided by the commencement of the bill must not be further dealt with by the court. This provision is intended to remove any doubt that declaratory proceedings in this category that have not been decided are at an end.

The Scrutiny of Legislation Committee has identified several issues with the bill within the committee's terms of reference. Firstly, the committee states the bill effectively denies persons all access to the Planning and Environment Court in relation to the exercise of ministerial call-in powers. However, to be clear, the IPA as it is currently drafted provides that one of the effects of a ministerial call in is that any existing appeals to the Planning and Environment Court are of no further effect and the minister's decision on the application is also not subject to appeal. Thus, access to the court is already constrained by the Integrated Planning Act. The effect of the bill is to clarify the declaratory powers under the IPA that do not apply to ministerial call ins since it is appropriate that the state and not the court be the final arbiter where state interests are involved.

Secondly, the committee notes that both the second reading speech and the explanatory notes assert that any rights which may have existed under the current legislation are inconsistent with the underlying policy of the call-in provisions and raises the question of whether the relevant provisions of the bill have sufficient regard to the rights of development applicants and others who may presently enjoy such rights. As I have indicated previously, I have considered the impact of the bill on the rights of development applicants, both existing and in the future, and have concluded that the current ability of applicants and submitters to bring a declaratory action in regard to a call in is inconsistent with the intent of IPA in that the government should be the final decision maker on call ins. The appropriate accountability in this instance is to the parliament.

Thirdly, the committee notes that clause 5 of the bill will prevent any declaratory proceedings currently under way in the court in respect of call-in provisions from being dealt with by the court, noting that this may therefore be said to have retrospective effect. The committee requests information on whether any such proceedings are presently before the court. There is one such proceeding currently before the court. This is a matter in relation to my decision in July 2002 to call in a development application at Helensvale on the Gold Coast. This proceeding would be affected by the bill as the committee suggests. I will provide a formal response in writing to the committee about these issues by the due date of 16 October 2002.

In summary, the bill removes an inconsistency within the IPA and provides for the state to exercise its jurisdiction of ensuring its interests are protected in the development assessment system by clarifying that the state is the final arbiter on matters of state interest. In doing so, it provides for efficient, effective and accountable public administration. Finally, I wish to advise the House that I propose to move an amendment in committee to insert an additional clause which aims to continue to make available to the assessment manager of an application which is called in the power to bring declaratory proceedings in circumstances where either the assessment manager has not decided the application or where the assessment manager has refused the application. This amendment recognises that the assessment manager has a special role in the development assessment process where the assessment of local interests is not yet complete or where there are particular local issues which were considered to be of concern to warrant refusal of the application by the original assessment manager. The government is prepared to amend the bill to take account of these circumstances.

I will now turn to the matters raised during debate. I thank the members for Albert, Southport, Toowoomba North, Hervey Bay, Nudgee, Mount Ommaney and Kawana for their interest in seeking information and researching the bill and for their support. If I tried to answer every wild accusation put forward by the member for Warrego and echoed by his colleagues we would be here all night. In answer to his outrageous claims with regard to the developer Westfield, I will say that if he does indeed have any such information he should table it in this House or hand it on to the appropriate body.

I will respond to the following issues that he raised. The member for Warrego stated that this bill places the minister above the law and allows the minister to meddle in the lawful processes of development. The member has failed to recognise that the IPA places specific obligations upon me as Minister for Local Government and Planning to ensure that state interests are protected through the planning and development assessment processes. A specific lawful power available to me to ensure state interests are not adversely affected is the ministerial call in. This bill does not alter the fact that under the IPA I am accountable to parliament, and I remind the member that I am required to table a report in this place within 14 sitting days after I have decided an

application called in for state determination. I also remind the member that in the current instance of the application I recently called in on the Gold Coast, I made a ministerial statement to the House outlining my reasons for doing this.

The member also stated that the bill stops a member of the community from challenging my decision as to whether a state interest is involved in a specific development application. The IPA already prevents a challenge on the merits of a decision about a ministerial call in because it recognises the need for the state to be the final arbiter of its interests and that accountability for ministerial call in matters should be to the parliament. The declarations power offers a review of procedure only, but I am concerned that it could be misused to frustrate the state's obligations to protect its own interests in a timely and effective manner. That is what this bill is designed to address.

The member also highlighted that this bill was made retrospective and claims that the purpose of this was to stop me being in court tomorrow. I would point out that I am not due in court tomorrow; rather, the matter he refers to is set down for two days in November. The member went on to state that the matter could not have been urgent, otherwise it would have been debated in Townsville when it was introduced; yet he then goes on to criticise me for setting aside current sessional orders to have the bill debated urgently. The sessional orders of the Legislative Assembly require a bill to be on the table 13 whole calendar days between the introduction and debate—not seven as the member stated. I advise the member that this bill has in fact been tabled for the required 13 days.

The member indicated also that he believed this legislation is in contravention of the Constitution of Queensland Act in that I failed to consult with the Local Government Association of Queensland. I would point out to the honourable member, firstly, that the Constitution of Queensland Act does not specifically identify the LGAQ as a body I am required to notify. Secondly, I point out to the honourable member that the Constitution of Queensland Act requires that I consult not with the LGAQ but that I give the body representing local government in Queensland a summary of any bill affecting local government if practicable. In this particular instance, the member may have noticed, we were in Townsville and it was not practicable. However, the association has been offered a briefing on the bill on a number of occasions after its introduction.

The amendment I have circulated responds to concerns that the LGAQ expressed about local government's ability to seek review of the minister's decision to call in a development application which involved state interests. I believe this amendment addresses the LGAQ's concerns as far as possible consistent with the state's need to protect its interests in the development assessment process.

The honourable member questions why this bill is being introduced now and why it was not made originally when the IPA was introduced. I remind the honourable member that this amendment is to the IPA and that the inconsistency this bill seeks to address only became apparent in recent times. I remind the member also that the IPA was introduced by the coalition government. Therefore, I could equally ask the member why this inconsistency was not addressed then. But I must say that I am disappointed at the chauvinistic and personal attacks on me by the member for Warrego, who was clearly doing a job for his mates. He repeated it over and over again.

It is unfortunate that the opposition has chosen to oppose this bill in this way and, sadly, I believe that some of the information from the LGAQ used by opposition members today is simply not current. The member also was concerned about the view of the Scrutiny of Legislation Committee that the bill, while addressing a matter of state policy, also affects the right of judicial review. The right of judicial review must be balanced against the possibility that these rights might be misused to frustrate and delay development decisions and, consequently, frustrate the state's ability to protect its interests through the ministerial call-in powers and the minister's responsibility to ensure there is an efficient and effective planning system in the state of Queensland.

Another concern of the Scrutiny of Legislation Committee was the retrospectivity of the transitional arrangements in the bill to May 2001. The last time the ministerial call-in provisions of the IPA were amended was in May 2001. Those amendments were to clarify the period during which a ministerial call in could be applied. The intent of the bill before the House today is also to address inconsistency in the ministerial call-in powers now and for previous decisions using those powers. May 2001 was chosen as the basis for the effect of these provisions simply because it corresponded with the time the previous amendments came into effect.

The member also questioned whether there were state interests in the current matter at Helensvale. There are state interests in the matter since the development will have an impact upon a range of state services and infrastructure, including the Helensvale Railway Station and the Pacific Motorway. I also have an interest in ensuring that the state has an efficient, effective and accountable planning and development assessment system. It should be noted that this matter has been the subject of litigation and delay for up to six years for a number of reasons, including commercial competitors using the appeal and review processes under the IPA. It is some six years since that development was first mooted. Another concern—

Mr Hobbs: Council didn't approve it until May this year.

Mrs NITA CUNNINGHAM: That is right, after almost six years. The member also questioned my role in the current court action. The current court action will continue until this bill is enacted and we see its royal assent. I am required to provide a range of information to the parties in this action and I understand the matter is set down for hearing in November.

The concern raised by the member for Nicklin will be addressed by the amendment I will be moving in committee. I might say—twice—that that amendment was drafted after lengthy consultation with the LGAQ. The member for Maroochydore was concerned that developers will come to the government to change conditions imposed by a local government on a call-in application. Developers do that on a constant basis. Any change by the state to conditions imposed by a local government can occur only in response to a state interest. The state would simply not have an interest in changing conditions if they are purely of a local character. That is not the intent of ministerial call in.

The member for Gladstone had some concerns. As minister, I am responsible for ensuring the state has an efficient and effective development assessment system. It is a longstanding and preferred approach to drafting legislation that an issue be dealt with in a generic way rather than a series of specific and stand-alone pieces of legislation that only address issues and not the problem and clutter the statutes. That is what the member for Gladstone was concerned about.

We have also heard a lot from opposition speakers about their concerns for local government. They have not shown much concern in this regard to date. In fact, since becoming minister in November 2000, almost two years ago now, the shadow minister has risen in question time in this House on only three occasions to ask anything about local government. The member for Toowoomba South has asked one question and the other speakers today—the members for Gladstone, Maroochydore, Gregory, Callide and Cunningham—have not stood up in this House and asked me one question in relation to local government in almost two years. Clearly, all members—

Mr HOBBS: I rise to a point of order. The reason why the minister is not asked a lot of questions is that she has not got the answers. She is totally incompetent without notes.

Mr Terry Sullivan interjected.

Mr DEPUTY SPEAKER (Mr Fouras): Order! I am going to warn the member for Stafford very shortly.

Mrs NITA CUNNINGHAM: As I was saying, clearly, all members opposite know I am looking after Queensland's councils and doing so well. Any suggestion of incompetence would be better addressed to them. The shadow minister also asked at one stage in his hour-long contribution to this bill: why do we have planning laws? We do have planning laws and we will continue to amend them as necessary, because on this side of the House we do not want any more scams like those that occurred under the National Party government, such as the Russell Island affair or the southern Moreton Bay islands issue, which some 30 years later the Redland Council has the massive job of trying to resolve. This is simply an amendment to the IPA to remove an inconsistency. There have been an extraordinary number of speakers for such a small bill, but I thank all members for their contribution.

Question—That the bill be now read a second time—put; and the House divided—

AYES, 61—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Poole, Purcell, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 21—Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Committee

Hon. N. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) in charge of the bill.

Clause 1, as read, agreed to.

Clause 2—

Mr HOBBS (4.54 p.m.): This is the offending clause of this legislation which makes the bill retrospective—that is, commencement dates back to 25 May 2001. We all know that retrospective legislation is not popular in any forum. In some instances where there is bipartisan support there has been the need to do it. Indeed, in this instance there is no need for the bill and it certainly does not need to apply retrospectively from 2001. The legislation before the chamber today actually takes away the rights of the community and reduces a council's ability to scrutinise whether the minister has in fact acted in accordance with the law and whether or not there is a state interest. This legislation is retrospective. We do not know what may happen, but there can be other issues that might pop up.

As I mentioned in my contribution to the second reading debate, Lang Park is a good example of where this legislation may have some impact down the track on other developments that have been called in that we are unaware of at this stage, but they are certainly there. All this government is basically doing is protecting this minister and previous ministers of a Labor government against any decisions that may adversely affect them in some manner or form. I do not believe that this retrospective aspect of the legislation is necessary. I ask the minister to explain why there is a need for this legislation to apply from 25 May 2001.

Mrs NITA CUNNINGHAM: I explained that fully when I summed up the debate. I do not think I need to do it again.

Question—That clause 2 stand part of the bill—put; and the Committee divided—

AYES, 60—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Poole, Purcell, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 21—Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Springborg

Resolved in the **affirmative**.

Clause 3, as read, agreed to.

Clause 4—

Mr HOBBS (5.02 p.m.): The minister said that all she is doing in this legislation is removing inconsistencies. Does the minister agree that this legislation before the House tonight will put an end to an existing Planning and Environment Court challenge by Runaway Bay against her?

Mrs NITA CUNNINGHAM: I can say to the member for Warrego that this bill will put an end to all declaratory actions taken against either minister who is entitled to call in a development because of state interests.

Mr HOBBS: I thank the minister. In other words, the answer is yes, and the only reason the minister is doing this now is because of this particular decision by Runaway Bay to challenge her, as she knows. Why is the minister frightened to appear before a court to justify her decision to call in the development as a state interest, and why is she taking the soft option and coming to the parliament? Why is the minister concerned that she cannot say before a court the same thing she is saying here tonight? If the minister is right and if she has a genuine state interest for calling in this development, why can she not go to the court and tell it?

Mrs NITA CUNNINGHAM: The member for Warrego wants to misinterpret the intention of this act. This bill is before the House because there is an inconsistency in the act. That inconsistency has shown up only in recent months. It was never there before. There have been seven previous call ins since 1997 and it has never been done before. Does the member for Warrego mean to tell me that, when Lang Park was called in, the council did not want to have declaratory action taken against it or against the call in? Does he really mean to say that in any one of those seven call ins the relevant council or the relevant developer was not interested any further? No. It was because they did not know this loophole existed.

Now that loophole has come to light, it is the responsibility of this parliament to close it. That is what this is about. The Integrated Planning Amendment Bill is not about me, it is not about the member for Warrego and it is not about anybody else in this parliament; it is about giving this

parliament and this government the option to call in a development that will reflect badly on state interests. That is what it is there for. There is a loophole in the act and it needs to be closed—and the sooner the better.

Mr HOBBS: The reason this aspect of the legislation has not been used by previous ministers is that they have acted competently. The current minister has acted incompetently insofar as she actually went out there without a genuine state interest. In the case of Lang Park there was an issue of transport and development in a huge area. We are now talking about a completely different situation. This legislation will allow the minister or her successors to call in an extension to a golf club, for example, because no-one will have the ability to challenge whether or not the matter is in the state interest.

What the minister is saying is not true and she knows it is not true, and that is why this bill is being rushed through today. It has gone from the bottom of the list to the top. If there is no rush, why do that? Why bring it on today? If the minister does not have a concern about the court case, why did she not leave the bill until sometime in November?

Clearly the legislation is before the parliament today because the minister has been caught out interfering in the normal course of the planning process, which is a lawful and legal process, and she is using this parliament to try to get herself out of it.

Mrs NITA CUNNINGHAM: The reasons for this call in were spelt out in my summary speech, as were the answers to all the repetitive questions the member for Warrego keeps asking over and over. If he goes home tonight and reads *Hansard* he will get the answers to all those questions. I move amendment No. 1 circulated in my name and table the explanatory notes—

1. Clause 4—

At page 4, after line 12—

insert—

'(2) Section 4.1.21—

insert—

'(1A) However, an assessment manager may bring proceedings about a matter done, to be done or that should have been done for chapter 3, part 6, division 2 for a development application if, when the application was called in under that division, the assessment manager—

(a) had not decided the application; or

(b) had refused the application.'.'.

The amendment provides for an additional amendment to section 4.1.21 by inserting new subsection (1A) which provides that an assessment manager may bring declaratory proceedings about a matter done, to be done or that should have been done for chapter 3, part 6, division 2 for a development application if, when the application was called in under that division, the assessment manager had not decided the application or had refused the application.

This amendment clarifies that the power to bring declaratory proceedings under this section involving ministerial call-in provisions is retained by an assessment manager in certain circumstances where the assessment manager had not decided or had refused an application at the time the application was called in. This allows councils the right to do that. This is what the LGAQ wanted and that is what is in the amendment.

Mr HOBBS: The minister has said that this is what local government wants. This is not what local government wants. It is a worst-case compromise it could come to in the very short time frame it had. I think the minister said by way of interjection that she did consult with local government. Later she mentioned that she did not and said that she does not recognise the LGAQ as a body and therefore does not have to consult with it. That is what she said. And she said that she believes this addresses LGAQ concerns.

Mrs NITA CUNNINGHAM: Mr Chairman, I rise to a point of order. That is incorrect. It is not the truth. I did not say that the LGAQ was not a representative body at all. I would like that to be withdrawn.

The CHAIRMAN: I ask the member for Warrego to withdraw.

Mr HOBBS: I withdraw. I refer members to *Hansard*. The minister is saying that if a local government has not assessed a development or if it has refused a development and then there is a ministerial call in, that council has the ability to ask for a declaratory proceeding or a judicial review of the minister's decision as to whether it is a state interest. But if the council has approved the development and then the minister calls it in and changes the conditions on which that development will be finalised, the council has no right to an objection.

In the first amendment the government has taken away a whole right and then it seeks to give back half of it. It is a case of taking two steps back and one step forward. That is what the government has done with local government in the first instance. Local government is not happy with that at all. The minister knows that, and I am sure her departmental people know that as well. This government is allowing a future minister to usurp a local government's genuine planning role. A minister may go in and change the conditions. Because the council has approved the development it will not have the opportunity to appeal against a ministerial call in. What does the minister say about that?

Mrs NITA CUNNINGHAM: We go around and around. With this amendment we have given back to local government the right to have declaratory actions in those two instances. The only time it does not have it is if it has already approved the development. Why would it want declaratory action then? As to the point of adding extra conditions, I answered that in my reply to the second reading debate. It is not done.

Mr HOBBS: That is the very point I make. In the Helensvale case the Gold Coast council has approved the development. The minister has called it in, after the approval. Let us look six months ahead. The situation will be that the Gold Coast council will have no opportunity to question whether there is a state interest. What happens if this or any future minister changes the conditions on which the Helensvale development is built? The council will have no opportunity in a court of law, where it has in the past—

Mrs Nita Cunningham interjected.

Mr HOBBS: That is right. There has been a call in after approval.

Mrs NITA CUNNINGHAM: I did not want to identify any one particular development, but clearly the legislation appears to be impacting on this one from Helensvale. The Helensvale development had been approved by the council. I believe that was the third lot of plans the developer submitted. That has been on the books for between six and seven years. We have been watching the state interest and watching the needs of the people down there for almost seven years. Finally the council approved a plan with a lot of conditions in it. The people—

A government member: The people welcomed it.

Mrs NITA CUNNINGHAM: The people did welcome it. At last they were getting somewhere. When that council approved the development, I believe six commercial competitors objected against it and appealed the decision. That could hold it up in the courts for another two to three years. In that time our state interests are sitting there and not being developed. That is why it was called in. I made that very clear in this House in a ministerial statement I made when I called it in. That is why it was called in. That should be it. The relevant minister should then be able to call it in.

There is no appeal against a call-in decision. That should have been it. We should have been able to make that decision and let everybody get on with their jobs. But then of course this loophole was found. That puts it all back into the courts again. I do not care whether we are in government or those opposite are in government, it is not in the interests of any state government to allow that to continue. This is an inconsistency. We are addressing it. That is what this is about.

Mr HOBBS: It is not so much a loophole. The council has approved the application and the minister has come along and may change that. If there is a problem with delays in the court, why does the government not fix the courts? Why does it not fix the IPA? Why is the government fixing up the ministerial bit at the end? It is fixing the wrong end. If there is a problem with planning, the planning laws should be fixed. If there is a problem with the P&E court dealing with the issue, the P&E court should be fixed. The government has the cart before the horse. That is the problem.

There will still be delays. Where there are delays in the P&E court, there may need to be further members of the P&E court. The government should look at reducing the opportunity for these cases to drag on. But the government is denying the people of Queensland the right to challenge a minister if a minister makes the wrong decision. It is taking it out of the hands of the people and putting it in the hands of the minister. It is dealing with the wrong end of the problem.

Mrs NITA CUNNINGHAM: We could go on and on like this all night with all the hypothetical situations that could arise if something else happened. The fact of the matter is that we are not taking away from the people of Queensland any right at all. The people of Queensland have never known that this provision is there. They have never enacted it before—not the people, not

the councils and not the developers. It has never been seen before. The member knows as well as I do that once a loophole like this is found it will be used over and over. We are trying to close that loophole. That is all it is about. As far as amendments to the IPA and legal proceedings are concerned, I am more than happy to look at that once every council in this state is using an IPA compliant plan. That will be in March of next year. The member has been a minister. He would know how long it takes to put that sort of change through. This could not wait for that.

Question—That the amendment be agreed to—put; and the Committee divided—

AYES, 60—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Purcell, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 21—Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Springborg

In division—

The CHAIRMAN: Order! Any further divisions during the next stage of this bill will be of two minutes duration.

Resolved in the **affirmative**.

Clause 4, as amended, agreed to.

Clause 5, as read, agreed to.

Bill reported, with an amendment.

Third Reading

Hon. N. I. CUNNINGHAM (Bundaberg—ALP) (Minister for Local Government and Planning) (5.24 p.m.), by leave: I move—

That the bill be now read a third time.

Question put; and the House divided—

AYES, 59—Attwood, Barry, Barton, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Cummins, J. Cunningham, Edmond, English, Fenlon, Foley, Fouras, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Pearce, Phillips, Pitt, Poole, Purcell, Reilly, Reynolds, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: T. Sullivan, Reeves

NOES, 21—Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Kingston, Lee Long, Lingard, Malone, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Watson, Wellington. Tellers: Lester, Springborg

Resolved in the **affirmative**.

ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 21 August (see p. 3017).

Hon. V. P. LESTER (Keppel—NPA) (5.31 p.m.): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2002. The bill offers a number of necessary legislative changes that provide greater clarity and consistency through the Environmental Protection Act. The so-called red tape reduction bill, as it has been lauded, introduces a number of significant amendments that will ensure greater simplicity in licensing arrangements for businesses and local authorities that work closely with those businesses.

It is recognised that each business, large and small, has a duty to uphold a certain number of responsibilities to the community. However, it is the duty of the government to ensure that these responsibilities do not become overly onerous or bureaucratic in nature, thus defeating the initial intentions of the legislation. Although there are provisions under the present act for administering environmental authorities, there was a call both from business and local government that these provisions be further clarified and streamlined.

The bill aims to give business, particularly small business, greater simplicity and transparency in the amendment, transfer and surrender of an environmental authority. One of the significant amendments is the introduction of an anniversary day. Businesses are now permitted to nominate an anniversary day of their environmental authority to better suit their reporting needs. This will assist businesses to achieve greater consistency and alignment in reporting periods and remove the arduous dual reporting periods that previously existed for small businesses.

There is also provision in the bill for greater clarification in the surrender process of environmental authorities. The surrender provisions in the bill are largely consistent with those that presently apply to mining activities. The surrender approval process was inserted as a means of providing an accurate public register of current environmental licences and provides the holders of environmental licences with a greater degree of finality about their licences.

In addition, the role of the Environmental Protection Agency is strengthened and clarified across a number of areas, most notably with respect to hazardous dams. Safety conditions on referable dams containing hazardous waste will be transferred from the water licences under the Water Resources Act to environmental authorities under the Environmental Protection Act. Undecided applications currently under the Water Resources Act will be regarded as being applications for environmental authority under the Environmental Protection Act.

One of the important provisions in this bill is the attempt to award administering authorities with more consistent and effective enforcement powers. This is something for which many local governments, in particular, have been calling for some time, and the Local Government Association of Queensland has expressed its support for these amendments. The administering authority may carry out an environmental audit when required, investigate an environmental nuisance, or require the submission of an environmental management plan. These provisions not only provide the administering authority with a greater ability to achieve the desired environmental outcomes to benefit the wider community but also provide a useful management tool for business. Designed in consultation with both large and small businesses, the intention of these provisions is to ensure that the implementation of environmental authority is done with minimum burden to and maximum consultation with business.

I would also like to add that it was extremely pleasing to note the minister's promise in his second reading speech that he will not raise any fees or charges with the introduction of this bill. This undertaking really is a godsend for small business and I only wish some of his fellow ministers were as perceptive about the tough financial realities facing everyday Queenslanders. I am certain that my National Party colleagues and businesses throughout Queensland will join with me in congratulating Minister Wells on resisting the temptation to join those among the Labor ranks who have a dreadful habit of slipping in exorbitant fees and charges by stealth.

I am pleased that no unnecessary or added burden will be incurred by businesses in times of financial hardship. I believe that the intention of this bill—to reduce onerous red tape, unnecessary paperwork and enhance the clarification and guidelines—is admirable. Therefore, I offer my support and that of my colleagues to the bill.

Mrs REILLY (Mudgeeraba—ALP) (5.38 p.m.): I am pleased to rise in support of the Environmental Protection and Other Legislation Amendment Bill 2002. The bill amends the Environmental Protection Act 1994, referred to from here on as the EP Act, and the Water Act 2002. The bill introduces a number of reforms that will allow for the more efficient administration of the EP Act.

Currently, environmental evaluations and environmental management programs apply only to environmental licences. These statutory tools enable the EPA or local governments to initiate an investigation to determine the source of environmental harm and to require an environmental management program to correct that harm. The provisions relating to environmental evaluations and environmental management programs will be amended to include all types of environmental authorities or permits, including level 1 and level 2 approvals. This will then ensure that the administering authority can seek an environmental audit or investigation and associated reports, and request an environmental management program for all environmental permit holders.

Local governments will have these powers for environmental permits for environmentally related activities that they administer. The EPA and local governments will also be able to take more direct action for unidentified discharges of contaminants into the environment. Breaches of the environmental protection policy for water will be enforced more effectively by local governments as they will be able to take offenders to court and recover fines and costs rather than just issuing on-the-spot fines as is currently the case. Internal delegation powers for local governments have been streamlined through this bill to allow powers to sit at an appropriate level in local government. This will provide fast decision making on applications for environmental approvals. The EPA will be able to accept a report produced by a government or scientific entity as being a suitable report to initiate amendments of environmental licences. If the chief executive of the EPA is satisfied that the report is acceptable and relates to an environmentally relevant activity, the report must be placed on the public register.

One application of this provision is that once the report is on the public register the EPA or local government will be able to renegotiate discharge limits if the report identifies that the threshold of environmental collapse or damage is near or has indeed been exceeded. The review and appeal processes in the EP Act will protect the rights of licence holders. These processes provide sufficient rigour to establish the validity of the report and the proposed actions of the EPA or local government. The bill will permit the EPA to table one annual report in the Legislative Assembly that meets the statutory obligation of the EP Act and to meet the annual reporting requirements in section 39 of the Financial Administration and Audit Act 1977 to report on the financial administration of the EPA. So that will also streamline that process.

The bill also ensures that safety conditions on water licences for dams containing hazardous wastes imposed under the Water Resources Act 1989 are transferred to environmental licences. Since 1 January 2001 environmental licences issued by the EPA have controlled the environmental regulation of mining sites. Most of the dams containing hazardous waste are on mining sites, so there is unlikely to be any disturbance to existing operators. The rest of the dams that are subject to the amending provisions are part of power stations which also hold environmental licences. The intention of the bill, in short, is to achieve greater compliance with the Environmental Protection Act by making it easier to comply with and this indeed should then flow on to ensuring greater protection of our environment. For those reasons, I am happy to commend the bill to the House.

Ms MOLLOY (Noosa—ALP) (5.43 p.m.): I rise in the House tonight to speak on the Environmental Protection and Other Legislation Amendment Bill 2002. What a terrific piece of legislation. The Environmental Protection and Other Legislation Amendment Bill 2002 continues the magnificent environmental reforms by this progressive government. The amendments show that this government is committed to working with councils, businesses and communities to ensure improved environmental outcomes for Queensland. This amendment bill has been collated after consultation with local government, business and community stakeholders to achieve a mutually agreed position on this bill. In effect, this is a government that is listening but at the same time taking a lead role. No government gets everything right all at once. Governments are constrained as are business operators. Large companies today are confronted by the need to address the issues raised by the Kyoto protocols as are governments of the world, as is this, an Australian government. The EPA in Queensland is an instrument of the government put in place to protect the environment, to check and balance the impact of business, the impact of human activity and the impact of the very communities that today call on governments to check, balance and regulate our environment for a sustainable future.

This bill is designed to make life easier for business and to amend and transfer their environmental licences and approvals. The businesses that will benefit are motor vehicle workshops, garages and panel beaters as they apply for the greatest number of licences from local governments. The bill gives the administering body a new trigger or mechanism to start an amendment to an environmental body. Put simply, if the director-general of the EPA accepts a report about an environmentally relevant activity by a recognised entity such as a government or scientific body, the administering authority may amend the environmental authority to implement the findings of the report. The holder of the authority will be able to use the existing provisions of the EPA to appeal the decision. The bill will enable business to apply for a transfer of all types of environmental authorities in one transaction.

Always mindful of cost, the government has ensured that no new or increased fees will be charged as a result of this bill. The member for Keppel suggested Labor governments slip in exorbitant fees and congratulated the minister for not falling into this trap, apparently an evil habit that only Labor bogies stoop to. I think not. But, yes, the minister is to be congratulated for keeping fees down. The minister is to be congratulated, along with his hard working staff. The EPA is also to be congratulated for its fine work. The EPA on the Sunshine Coast has been nothing more than very helpful and extremely supportive of my endeavours on the Sunshine Coast in the electorate of Noosa. I commend the bill to the House.

Mr McNAMARA (Hervey Bay—ALP) (5.45 p.m.): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2002. I congratulate the minister for his proactive approach to building partnerships with local government and the private sector to increase protection over vitally important environmental assets. The wide support for this bill from groups as diverse as the Australian Industry Group and the Queensland Conservation Council is testimony to the breadth and effectiveness of the community consultations carried out by the Department of Environment. This bill will cut red tape and streamline administrative processes to

make it simpler for businesses up and down the length and breadth of Queensland to amend and transfer environmental licences and approvals. This improved flexibility is precisely the sort of responsible and sensitive amendment which is so welcome in the community.

This bill will allow businesses to apply for a transfer of all types of environmental authorities in one transaction. I am particularly pleased that no new charges or increased fees will result from the passing of this bill. The advantages of simplifying the licence transfer process would be largely offset if fees and charges rose as a result. I congratulate the minister on achieving this reform without having to impose extra costs on businesses. Indeed, I note the minister's comments in his second reading speech that the efficiencies generated by this bill will have a positive impact on employment in businesses which hold or transfer environmental authorities, which is of course welcome. I commend the bill to the House.

Mr JOHNSON (Gregory—NPA) (5.47 p.m.): This is a very responsible piece of legislation. I do congratulate the minister on the introduction of the Environmental Protection and Other Legislation Amendment Bill. The objective of this legislation is to better service the needs of business and authorities in relation to the application, amendment, transfer and surrender of environmental applications. One of the most important things in this state today is to make absolutely certain that businesses are able to function in an environment not detrimental to their agenda. Today, small business is the most important business we in this state have. It is the biggest employer in this state and is the most important in terms of providing jobs. Motor vehicle workshops, garages and panel beating workshops account for a large proportion of environmental licences issued by local governments. The proposed changes to the transfer and amendment of environmental licences are designed to reduce red tape on business houses to provide a more distinct direction in environmental licensing. This is a very important part of this legislation and something that is taking a lot of the heartache and angst out of small business. Whether it is small business, big business or whatever, the most important thing to protect—and it is something I believe the young people are very conversant with and very understanding of—is the environment. For too long now, the environment has been abused. Recently I had occasion to travel from Longreach to Ilfracombe on the Landsborough Highway and I saw stubbie bottles in the grass that had probably been there for 20 or 30 years. I think that today's generation is more responsible in terms of looking after the environment.

All of those types of things are environmental vandalism. It is paramount that we put in place measures to prevent this type of behaviour. I believe the Environment portfolio is one of the most important responsibilities. This legislation covers many areas, not just small business. I was responsible for Transport and Main Roads from 1996 to 1998 and I had to address issues affecting the waterfront and coastal habitats. I recall that at Redland Bay we were looking at ferries and jetties. In achieving growth and promoting an area, I believe a lot of people in business are responsible and are not interested in vandalising the environment.

It is important that people are au fait with the legislation and know what it entails. Environmental protection is something we should be looking at closely. The Minister for the Environment was formerly an Education Minister. Our young people are more environmentally aware than most people. They are concerned about the environment. My young family, who are young adults now, show responsibility towards the environment. Young students today are showing leadership in that regard.

The amendments to the Water Act 2000 and the Water Resources Act 1989 are designed to ensure that safety conditions for referable dams containing hazardous waste are now issued under the Environmental Protection Act. This issue has caused a lot of heartache and angst for people, especially those in local government. Now that a lot of the red tape has been cut away, some of these procedures can be carried out in a more businesslike way. In supporting this bill, I commend the minister on the introduction of this piece of legislation.

Ms PHILLIPS (Thuringowa—ALP) (5.52 p.m.): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2002. Local governments administer the Environmental Protection Act for small- to medium-scale enterprises that carry out certain environmentally relevant activities. These activities are referred to as ERAs and before 1998 required an environmental approval. Since 1998 these ERAs have required a developmental approval under the Integrated Planning Act. ERAs, for example enterprises such as a motor vehicle workshop, which has a higher potential for causing environmental harm, still require an environmental licence with a development approval. This duplication of systems has led to some administrative complexities in dealing with ERAs.

This bill will simplify the administration of the Environmental Protection Act for local government by providing more consistent provisions for dealing with ERAs regardless of whether they receive an environmental approval or a development approval. The provisions of the bill were developed in consultation with and with the support of the Local Government Association of Queensland, the LGAQ. Consultation went on for more than 12 months. Local governments have a unique role in the environmental management of Queensland. I know this from my significant contact with the Thuringowa council.

On the one hand, they play a pivotal oversight role in environmental management by managing and monitoring the wide range of licences and approvals they may issue to business operations. On the other hand, they themselves carry out a number of activities, such as sewage treatment works, municipal water supply and treatment plants, motor vehicle workshops and waste management and disposal. These activities require approvals from the Environmental Protection Agency. Local government will experience fewer costs in administering the Environmental Protection Act and, at the same time, will benefit directly from the regulatory reforms the bill will introduce. It is against this background that local governments have supported the amendments in the bill.

The introduction of consistent amendment, transfer, suspension and surrender provisions for all types of environmental authorities will result in appreciable cost reductions for local governments. Improved processes will allow local governments to keep track of ERAs and also update the public register of ERAs to better inform the community. Local governments will also benefit from a new provision that allows for a single amendment if only part of an environmental authority is surrendered, rather than requiring a full surrender application. The bill will also allow a local government to approve the transfer of a level 2 ERA between two businesses without having to assess a new application for a level 2 ERA, as is currently the case.

Currently, the anniversary day for an environmental authority held by a local government cannot be changed even if the authority has been amended or transferred. The bill will reduce the administrative costs for a local government by allowing it to nominate the anniversary day of an environmental authority it holds to better suit its legislative and other reporting requirements. For example, it would be administratively expedient for a local government to set an anniversary date under the Environmental Protection Act that coincides with licence, permit and renewal dates for activities under other legislation. To facilitate consultation on the setting of an anniversary day, the Environmental Protection Agency will not be able to set a new day without the consent of the local government.

The Environmental Protection Act currently only allows a local government to retain a fine imposed by a court for a matter devolved by the EPA. The bill will extend this arrangement to allow a local government to retain court fines or costs in a delegated matter as well. The definition of costs and expenses for investigating an offence against the Environmental Protection Act will also be expanded to include travel, storage of evidence and sampling costs.

The general statutory requirement that a council must delegate powers to the chief executive of a local government will remain unchanged. However, the bill will allow the chief executive of a local government to delegate powers to an appropriate level or person in the local government without the need to seek full council endorsement. These new powers of delegation will be particularly useful to local governments when there are staff changes or realignments of resources within council.

The state government remains committed to keeping administrative costs to local government to a minimum. The bill reduces some fees for business and, at the same time, the administrative cost savings ensure that local governments are not disadvantaged. I have great pleasure in commending this bill to the House.

Mr HORAN (Toowoomba South—NPA) (Leader of the Opposition) (5.58 p.m.): It is with pleasure that I rise to speak to the Environmental Protection and Other Legislation Amendment Bill. Madam Deputy Speaker, as you are aware, we are supporting this bill and, because it concerns the environment, there is an issue that I wish to raise very briefly with the minister. I recognise that this bill represents a real endeavour to provide some assistance to small business to be able to comply. Whether it be a licence, an authority, or the issue of surrendering, this bill tries to bring things together so that there are fewer forms to fill out. At the same time, bringing together a number of licence arrangements without extra cost is well worth while. It is one way of making sure that people feel good about complying with arrangements with respect to the environment.

Today small business is often beset with red tape from fees, licences and charges, workers compensation and other taxes and levies at the different levels of government—state, federal and local.

This is a good move and one might say that this is an environmentally friendly way of doing business. However, making it convenient means that there is a greater chance of compliance, involvement and achieving the end result that we all wish to achieve—that is, a safer environment. Businesses which will see their red tape cut are those sorts of businesses which have many types of licences and authorities, particularly panel beaters, garages and so forth.

I want to raise an environmental matter that I wrote to the minister about only last week—and the minister may be aware of it if his officers have brought it to his attention—regarding a parcel of land in Stenner Street at Middle Ridge. It is a unique piece of environmental land. As far as locals can ascertain, it has not been touched in 80 or 90 years, if in fact it was ever touched. It is very typical of the type of red soil scrub found on top of the Toowoomba Range. It contains some six hectares of land and is going up for tender, and tenders actually close this week. There was a meeting in town on Monday night which 50 or 60 people and three councillors attended.

My correspondence to the minister asked if there were any ideas, suggestions or ways in which this land could possibly be preserved. In terms of education, it would be rare that a city would have a piece of land like this that would be the last remaining remnant of that type of vegetation. I cannot think of any other areas in our city. There is a park on the corner of Rowbotham Street and Alderley Street which consists of a different type of scrub. It is a heavier eucalypt timber. However, this parcel of land is further down in the red soil area beside the city golf club which through a strange set of historical circumstances has been left untouched. It would be a wonderful thing for not only the city but also Queensland if that land was able to be preserved for education purposes and for the unique environment it provides.

The locals say that there is a rare type of eucalypt tree on the land. It would certainly be something that is very difficult to put a value on. It would possibly have quite a deal of real estate value because it is beside the golf course and adjacent to other subdivisions, but it is very heavily wooded and timbered with thick and dense scrub. I would appreciate any suggestions or ideas that the minister can put forward to preserve this land. As I said, I take the opportunity of this debate on environmental matters to raise this issue, because I think it is an important environmental issue. I would certainly appreciate any ideas that the minister is able to provide, whether that be a partnership arrangement with the council or with locals or something solely on behalf of the government, because it is a once in a lifetime chance to secure something like this for the state.

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (6.02 p.m.): I rise to support the Environmental Protection and Other Legislation Amendment Bill and to acknowledge the previous speakers' favourable comments. I compliment the minister and his staff once again for their efforts in putting forward a bill that will foster better environmental outcomes. The EPA maintains a public register of environmental approvals and development approvals for environmentally relevant activities, better known as ERAs, under the Environmental Protection Act 1994. Local governments also maintain a public register of environmental approvals and development approvals for devolved ERAs. These public registers inform the public of the number and types of ERAs in their community. The public, through the registers, will be informed of what post-closure requirements need to be met before the site can be used in another way.

This bill will give both the EPA and local government the ability to keep the registers up to date. It will provide a more streamlined service to the administering authority's clients and achieve better results for our environment. The new surrender provisions in the bill require environmental authorities to be surrendered when an activity ceases. An accurate surrender date will help determine when an existing approval lapses. If an activity has ceased for more than six months, then any existing use can be considered to be abandoned. If that happens, it would be necessary to apply for a new development approval before the previous use can be re-established at the site.

This has two benefits. Firstly, it signals that a material change of use has occurred for the ERA so assessment will fall under the integrated development assessment system, or IDAS, and is subject to rules in the Integrated Planning Act 1997 on whether public notification is required. This eliminates the current uncertainty of whether to use the IDAS system or the EP Act approval system that existed before the IDAS. The IDAS is used only if a material change of use for the ERA has occurred after 1 July 1998. Secondly, it means that the activity is assessed against the

current planning scheme requirements and conditioned appropriately. This means that, if the character of the area has changed—for example, from rural to residential—in the period when the activity was not operating, better protection is afforded to the current residents.

Another feature of the bill is the conversion of days to business days in the EP Act to align with business days under the IP Act. This allows the public to track an application for a development approval in an environmental licence for the same level 1 ERA without the confusion of calculating different units of days. Importantly, this measure reduces the potential for miscalculating the number of days in which to lodge an objection.

Mr Shine: That makes sense.

Mrs CARRYN SULLIVAN: It does make sense. I take the interjection from the member for Toowoomba North, who has always been very concerned about the environment. The new cancellation provisions will enable the EPA and local governments to remove environmental authorities from the register when they detect an abandoned site. Also, upon the death of a holder of any type of an environmental authority the personal representative of the holder's estate is deemed to be the holder of the authority for six months. This allows the EPA or local government in consultation with the personal representative a fixed time period to determine if the ERA will continue.

Part 3 of the bill has a retrospective component. It is important to note that subclause (1) provides for this retrospectivity to ensure that the amendments to the Water Act 2000 will commence at the same time as postponed section 1065 of the Water Act 2000. This section was postponed by the Water Postponement Regulation 2001 until 13 September this year. This retrospective provision does not adversely affect people's rights and liberties or impose new obligations. I commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (6.07 p.m.): I rise to participate in debate on the Environmental Protection and Other Legislation Amendment Bill 2002. In doing so, I commend the minister on his initiative to reduce red tape and make things easier for the business community. My electorate of Nicklin on the Sunshine Coast is one of the fastest growing regions. I have regular contact with many small business operators. To date, the most common complaint I receive involving government departments is the difficulty that people experience in trying to gain approvals or licences from each level of government and the difficulties they experience when they try to amend those licences or approvals. This bill will certainly simplify this process and will not impose new increased fees during the process. I am also happy to support any move that will help the business community, which often buckles under the weight of bureaucratic red tape. I also commend the minister on his excellent consultation process, which is the linchpin of good government.

Only last week I met with Sunshine Coast fruit growers. At that meeting many of the growers were very agitated, angry and frustrated in having to spend so much time on book work instead of getting on with the job of tending their orchards. I also take this opportunity to acknowledge the bipartisan support for the intent of this bill. It is a pity and a disappointment that so often in prime time news items we see issues of conflict and agitation in this House and not the issues which have bipartisan support. I believe that Queenslanders want to see more bipartisan support between the government and opposition of this great state. I commend the bill to the House.

Ms STRUTHERS (Algester—ALP) (6.08 p.m.): Businesses need to get on with the job of developing new facilities and enterprises, but this must not be done in a way that destroys the environment in any way. I support the introduction of the Environmental Protection and Other Legislation Amendment Bill and commend the minister, departmental officers, industry groups and environment groups which contributed to its development. It is important that we have a good balance between economic growth and development and the sustainability of our environment. We must protect the environment against any negligent business practices but at the same time not tie business down with layers of red tape and unnecessary regulation. This bill will help reduce some of that red tape and ease the processes of regulation for business.

The bill will make it simpler for businesses to amend and transfer their environmental licences and approvals, making life much easier for the 8,500 or so current licence holders. The bill will not let businesses off the hook. Any business that is doing the wrong thing will certainly feel the full force of the current regulatory framework.

My local area in the Algester electorate, being the transport hub of south-east Queensland, has many panel beating shops, motor vehicle workshops and other similar businesses, and in the main they are doing the right thing, but the bill and the whole regulatory framework we have must

maintain that balance. The bill will do nothing to weaken the application of the authority of the Environmental Protection Agency over the waste disposal and other aspects of these businesses, which is a problem in my electorate where there are a lot of landfills. Over the years the operators of those landfills and sand mining operations have been doing the wrong thing and causing a lot of community concern. Whenever I have called on the Environmental Protection Agency I have certainly had a good response, and it is important that we maintain the EPA with strong teeth and that we do not dilute or weaken its impact in any way.

State Labor governments have developed and maintained strong environmental regulatory regimes, and this government will continue to strengthen them. Our government is also driving measures to reduce red tape for small business, and as a member of the red tape reduction task force I am very keen to contribute to that process.

I had the benefit of witnessing a presentation by Environmental Protection Agency staff a couple of months ago on a new system called Ecoaccess, which consolidates approximately 180 approval processes relating to over a dozen separate pieces of legislation.

That is what business wants. It wants easier access to those sorts of processes and it does not want to be tied up in a whole lot of red tape. The bill is good for business, and I certainly support the minister in his efforts to continue to balance the ecological sustainability we need so much to maintain our good state while allowing businesses to get on with their jobs. I commend the bill to the House.

Mr CHOI (Capalaba—ALP) (6.12 p.m.): I also rise this afternoon to support the Environmental Protection and Other Legislation Amendment Bill 2002. The bill represents a further state government commitment to maintaining and enhancing the vital partnership between the Environmental Protection Agency and the business community to secure better environmental outcomes for Queensland.

The bill makes important legislative changes to improve the consistency, clarity and efficiency of the Environmental Protection Act. Its principal object is to further alleviate the administrative burden on businesses and administering authorities by introducing consistent amendment, transfer, suspension and surrender provisions for all types of environmental authorities. The contents of the bill were the subject of more than 12 months of comprehensive consultation between the Environmental Protection Agency and business stakeholders, including Commerce Queensland and the Australian Industry Group. The Local Government Association of Queensland was also consulted on behalf of local governments, which are administering authorities under the Environmental Protection Act for small to medium businesses that require environmental approvals.

All stakeholders have indicated support for the proposed amendments. Administrative efficiencies flowing from these amendments will make it easier and cheaper for an estimated 8,500 current licensees to manage their environmental licences.

Motor vehicle workshops, garages and panel beating shops engaged in environmentally relevant activities, known as ERAs, are expected to benefit from the amendments. These businesses account for the majority of environmental licences issued by local governments. In particular, businesses with multiple environmental licences can also expect to have greater flexibility in discharging their environmental obligations and responsibilities because the bill will provide clear processes to amend the whole or part of an integrated authority.

The bill will also introduce new transfer requirements for when a holder of a non-mining environmental authority proposes to dispose of a business to someone else. Currently only the seller of a business that is carrying out a level one ERA must notify the buyer that there is a licence attached to the business. The new transfer provision provides that before agreeing to dispose of the business, the holder of an environmental licence must notify the proposed transferee in writing that the transferee must also make a transfer application. This process will alert the purchaser to the need to check what environmental conditions apply to a particular business.

This bill will provide a uniform approach to the development of administrative procedures and increase flexibility and consistency for clients and administering authorities. Surrender processes will apply to all environmental authorities. Under the new provisions an environmental authority holder is required to obtain approval for the surrender of an environmental authority. The holder will continue to be responsible for the conditions of the authority until a transfer application is approved, even if the holder ceases the activity. This amendment gives greater certainty as to when an environmental authority has ceased.

The administering authority will be able to remove the ERA from the relevant public register and deal immediately with any outstanding site decontamination or restoration issues. Holders of environmental authorities will be able to nominate the anniversary date of an environmental authority to better suit the legislative reporting and other requirements of business. For businesses there may be more convenient times of the year for performance reporting or for submitting their annual returns. For example, industries with national pollutant inventory reporting requirements may prefer to align the reporting date for their environmental authority with the inventory reporting date. As a safeguard in these circumstances, the administering authority will not be able to change the anniversary date without the consent of the authority holder.

Medium to large businesses that have multiple environmental licences will also benefit from the amendment provisions that automatically align the anniversary date of an integrated authority. This will allow businesses to treat multiple licences as one while maintaining the flexibility of dealing with each licence individually if so desired.

Other administrative efficiencies will be achieved by minor amendments to other provisions in the Environmental Protection Act. For example, a reference to 'days' in the act will be converted to 'business days' for consistency with the Integrated Planning Act. Every reference to 'seven days' will now become 'five business days' as a reference to business days excluding weekends and public holidays will be treated as extra days for statutory time periods to be met in the Environmental Protection Act.

Increased efficiencies in how environmental authorities are dealt with will generate savings for business and less red tape. As part of its ongoing commitment to achieving sustainable environmental outcomes for business, the Beattie Labor government will continue to keep government charges and costs to business in check. Accordingly, no new or increased fee will be charged as a result of this bill.

As I said, this bill will improve the consistency, clarity and efficiency of the Environmental Protection Act. While on the one hand the Beattie Labor government is protecting our natural assets, on the other hand it is providing a sensible and balanced legislative framework to ensure costs to business can be reduced.

I congratulate the minister and his team for putting this bill together, and I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (6.18 p.m.): Small businesses are very sensitive to increases in administrative responsibilities, and legislation that will streamline those responsibilities without diminishing their accountability would certainly be welcomed by all small businesses.

I remember that just a few years ago these same businesses that are the targets of this legislation—motor vehicle workshops, garages, panel beating shops, et cetera—were involved in an audit of their waste. I spoke with quite a number of the small businesses at the time and they were then concerned about the amount of paperwork generated in applying for and complying with licence requirements. Even during that audit process they were sceptical that the information the Environment Protection Authority was collecting would not eventually be turned around and used against them, and their involvement in that process was in great measure hampered by that sense of scepticism. This legislation is designed to streamline the approval process, the transfer process and changes to environmental authorities. If that is achieved by the legislation, it will certainly be commendable.

I commend the minister on the acknowledgment in the documentation accompanying the bill that this new legislation will attach no new costs to the application of the new requirements. Indeed, at a time when many pieces of legislation, both new and existing, have had their cost structure increased significantly through the regulatory process, it is refreshing for small business to have to review their paperwork trail knowing that any changes to their processes will not have new costs attached. I commend the minister for that in this difficult economic time.

I comment positively on the fact that a number of the processes are streamlined. For instance, when a business is disposed of the transfer between the purchaser and the seller can be done as a single process and there is no paper trail where the possibility exists for a single authority to be overlooked and therefore not attached to the new business. If that were to happen, the business operator would find out that they may have been operating in breach, not intentionally but as a result of an oversight.

My area is heavily industrialised and we have a lot of support industries for those larger businesses. Some of them will fall within the ambit of this legislation, and I certainly pass on their

appreciation for a more streamlined process. The communities at Gladstone and Calliope are very supportive of heavy industry; however, the community also expects that industry with the potential to pollute the environment is held accountable. I have here a letter from a resident. It was intended to go to the minister, but I am not sure he received it. I seek leave to table the letter.

Leave granted.

Mrs LIZ CUNNINGHAM: The letter is from Mr Whelan from Yarwun. It outlines his concern about environmental approvals that, from the perspective of the community in certain circumstances, are not adhered to. He points out in fairly minute detail his express concerns. I can give the minister a copy of the letter, which spells out his perception of the operators of the oil shale.

I put on the record during debate of an environment bill that whilst streamlining is good—I do not think there is anybody in my electorate, particularly those working in the small business area, who would have any argument with the intention of this bill—a vast majority of people in the community say that businesses, particularly the larger businesses with potential to pollute, must have a clear and transparent accountability stream.

There are a number of continuing environmental issues in the electorate. SPP is one. The dewatering of Mount Larcom through mining by QCL for limestone is another. They are unresolved issues. Whilst this legislation is about making changes to environmental authorities and environmental licences easier, when it comes to those bigger industries—they are approved under mining legislation anyway—it is important that the impacts on the community are taken into account prior to, during and after any changes of the environmental authorities and that their accountability does not lessen in any way.

From the information I have on this bill I believe that the legislation applies to smaller businesses and not to those larger industries. On that basis I will not continue with the SPP and QCL issues. However, they are continuing issues. As I said, in my community there is a great level of support for industrial development, both support industries and larger industries, providing that adequate safeguards are in place and are able to adequately monitor the actions of business. I certainly support the bill.

Ms STONE (Springwood—ALP) (6.24 p.m.): I rise to speak in support of the Environmental Protection and Other Legislation Amendment Bill. This bill is all about the Beattie government's ongoing commitment to improved protection for the environment. One of the issues often raised with me by businesses is that they are sometimes overburdened with paperwork and processes required in all aspects of their operations. This bill will streamline processes and make it simpler for businesses to amend and transfer the environmental licences and approvals.

It is without doubt that the operational implementation of the Environmental Protection Agency Act is through licensing, investigation, spill response, contaminated land management and liaisons with industry, local governments and the community, and it is vital to ensuring our natural capital is kept clean and healthy for all Queenslanders. I know how important it is to have liaisons with local authorities, especially in relation to spill responses. I know that in my electorate at Loganholme the local council and the EPA have worked together to clean up spills that, if left, would have been detrimental to our beautiful local bushland and wildlife.

In relation to keeping our environment healthy and clean, I will speak about a campaign that questions whether a clean and healthy environment is being kept in Redlands. Redland Shire Council has officially begun a campaign to leave dead koalas on the road. Wildlife Rescue Logan has raised valid concerns regarding this campaign. It raises the point that badly injured koalas or viable pouch young may be overlooked. These well-loved animals would be left on the road, encouraging drivers to become blase towards injured or dead wildlife. It believes this will lead to the public becoming hardened to the plight of injured wildlife.

Wildlife Rescue Logan is also concerned that vital information that would normally be gained by autopsies will no longer be recorded. This will lead to inaccurate data being collected, which could affect the monitoring of and research into these Australian icons. It is important that the community is aware that the environment is being monitored and reported on factually. A major concern the organisation has and is quite troubled with is whether the public will lose confidence in rescue services such as Wildlife Rescue Logan. Will the public perceive that their calls are not being acted on? This will give a totally false impression of the great work done by organisations such as Wildlife Rescue Logan, and I call on the minister to investigate this campaign and the valid points raised by Wildlife Rescue Logan. This organisation does a tremendous job in ensuring wildlife rescues are treated with respect and compassion. While it is tragic that we see these

beautiful animals dead on the road, it is not about leaving them on the road; it is about driver education. We should be talking about speed not only in relation to saving lives but also in relation to saving our wildlife. Therefore, I once again remind the minister that I do not believe this campaign is the right way to go in treating our wildlife.

I will give honourable members a bit of history on Wildlife Rescue Logan. The rescue group was founded in December 1993 after Julie Zyzniewski and her husband, Daryl Trembath, identified the need for a rescue service for koalas in the Logan area. At that time, sick or injured koalas were mostly left to die as very few people had the skill or bravery to pick them up and take them to a vet. The only koala rescue service operating at that time was the Koala Action Group in Redlands, and it was busy servicing its own area. Following a public meeting, a group was formed as an offshoot of the Koala Action Group. It was known as the Koala Action Group, Logan. Within a few months the group incorporated as a separate entity, the Koala Association Logan. At that time there were three teams doing rescue, using an old donated bag phone and their own vehicles.

Mr English: Great work.

Ms STONE: They are doing tremendous work. Rescuers were responsible for getting their own koalas to the Moggill Koala Hospital at the QPWS. The arrival of the Daisy Hill Koala Centre in 1995 meant that rangers took over the transport of koalas from the rescuers to the hospital. At the same time, growing awareness of the service meant that the number of rescues of koalas and other wildlife started climbing rapidly. Through its own efforts, in 1995 the group was able to buy a second-hand Holden Rodeo utility that was adapted for use as a dedicated wildlife ambulance.

Until 2000 the group was entirely self-funded. However, with the number of rescues increasing by at least 50 per cent each year for the last three years the group was unable to increase its fundraising to cover the additional costs. Help was sought through a public appeal, but it failed to produce enough funds to continue the service. The service was on the verge of closing down when Des Boyland from the Department of the Environment secured a three-year grant to enable the organisation to continue operating. EPA now contributes $5,000 per year to help the group carry out its work, and this grant will cease in June 2003. There are no paid workers within the group and all money raised goes directly to the running of the rescue service. The group operates under a memorandum of understanding with QPWS through the Daisy Hill Koala Centre. Rangers at Daisy Hill Forest work closely and cooperatively with the group.

In the year 2001 the name of the organisation was changed from Koala Association Logan to Wildlife Rescue Logan, and this better reflects the work undertaken by the group. Loganlea Road is the group's headquarters. Administrative tasks, apart from financial matters, are attended to at this address. Financial matters are dealt with separately at the treasurer's home. Julie receives an average of 10 phone calls a day relating to rescue issues, as the group listing in the white pages uses her address. Sick, injured or orphaned animals other than koalas are taken to Loganlea for assessment and stabilisation and they are then allocated to appropriate carers within the group.

As the nominated responsible person on the group's permit to rescue and care for wildlife, it is Julie's responsibility to ensure that all animals on the permit are fostered out and cared for properly. There are up to 50 animals in care within the group at any given time, and Julie regularly liaises with the carers to help them with any issues regarding the care, rehabilitation and release of animals in their care. She tells me that she spends between 15 and 20 hours per week on group tasks and that her husband contributes at least another eight to 10 hours per week.

This is the only organised service in the Logan-Beaudesert area performing rescue/ambulance duties. There are some carers in the area undertaking rescue duties but, as they reach their capacity, more and more rescues are being undertaken by the Logan service. As president of the group, Julie liaises with local and state government authorities, civic leaders, the business community and members of the public on matters of mutual benefit. She goes to at least 10 engagements a year to increase the group's profile and to increase the public's knowledge about the importance of our unique wildlife. The continuing operation and success of the group relies heavily on contacts, knowledge and expertise amassed over the last eight years as volunteers.

Unfortunately, it is proposed that the Department of Main Roads will be resuming part of that land. As a result, the group's continued survival is at risk. However, the member for Woodridge and I will certainly be taking up this challenge and helping the organisation to continue.

I want to thank Julie Zyzniewski and her dedicated team for the work they are doing in protecting and maintaining our wonderful and unique natural assets in Logan. I also want to mention the cooperation they receive from the Daisy Hill Forest rangers. The rangers carry out outstanding work in that area. When I read the Logan City Council's 21st birthday book I was disappointed to find that the council felt that the Daisy Hill Forest was not of a good standard. Well, I am here to say that anyone who has been to the forest knows that it is of world class. It has beautiful walks. It has a disability access walk. It has disability picnic tables. If one has a group going to the forest one can book a particular area. I know that is really important because I have had to go there at 6 o'clock in the morning to try and reserve a place because that is how busy the park is. In our warmer months people arrive at the park at 6 a.m. to grab a picnic table.

Local people who are entertaining overseas visitors take them to Daisy Hill Forest. As I said, I am very disappointed in the Logan City Council's attitude to Daisy Hill Forest. It is a wonderful spot. I encourage honourable members to come and have a look at the forest. I invite them to take overseas or interstate visitors with them to see the forest. I assure them they will not be disappointed.

Partnerships with the community, local authorities and industry are important in helping to protect our environment. The Environmental Protection Agency has undertaken consultation with relevant stakeholders in developing these amendments; not only that, they support the amendments. What is important about this legislation is that it will in no way reduce the existing enforcement provisions. In fact, these amendments complement the existing regulatory framework whilst at the same time resulting in efficiencies for business.

I am confident that this bill will be well received by businesses in the electorate of Springwood and, indeed, throughout the state. I congratulate the minister on bringing the bill to the House. I acknowledge his good work on ongoing reforms with regard to the environment. I also congratulate the staff of his department. I commend the bill to the House.

Mr CUMMINS (Kawana—ALP) (6.35 p.m.): The Environmental Protection and Other Legislation Amendment Bill 2002 continues the significant environmental reforms by the Beattie Labor government. The proposed amendments are a further indication of the government's ongoing commitment to work with local authorities and businesses to secure better environmental outcomes for Queensland. I am led to believe that the EPA has undertaken extensive consultation with local government, business and community stakeholders to achieve a mutually agreed policy position on the contents of this bill.

Since its establishment in 1999 under the Beattie Labor government, the Environmental Protection Agency has made real progress in addressing the sustainable use of Queensland's natural capital and the preservation of areas of natural and cultural significance. Our environment is important. We have only one planet and we must do all we can to preserve it. It is critical, therefore, for the future of our children, our children's children and, indeed, their children that we work to ensure that everyone is aware of sustainable practices. It has become a crucial part of our government's focus, achieving real and lasting environmental outcomes for the benefit of all Queenslanders.

I applaud the minister. I also applaud the Environmental Protection Agency for its promotion of water conservation, water-use efficiency and water recycling in our cities and towns by developing and promoting WaterWise—a world-leading urban water-use efficiency and demand management program—to local governments and schools; participating in national programs to promote the uptake of water-use efficient appliances; supporting local governments to implement programs that encourage the uptake of water-use efficient appliances such as the shower rose subsidy scheme in the Bundaberg-Burnett region; demonstrating, in partnership with several local governments, the benefits of effective leakage control and pressure management in water reticulation networks; working with developers and local governments to introduce more sustainable water-use practices in the design and construction of urban communities such as the Agnes Water development; and encouraging, through the Queensland Water Recycling Strategy, appropriate water recycling as a substitution to save drinking water as part of an integrated water management approach.

The Beattie state government is currently developing guidelines to enable people to use recycled water safely and effectively and to install and use rainwater tanks. To assist in the development of the rainwater guidelines, the EPA is involved in a joint project with the Brisbane City Council to conduct trials on retrofitting rainwater tanks in high density inner suburbs, and in a joint study with the Maroochy Shire Council to identify the benefits of and barriers to their existing rainwater tank subsidy scheme. Rainwater tanks are another issue which is constantly raised in

this House and in the community. I think it is a positive step forward to look at bringing them back because they are an efficient way of utilising our water resources.

Positive educational concepts include the fact that WaterWise has been presented to over 70 local governments and over half a million schoolchildren. Queenslanders are already reaping its benefits through significant reductions in water consumption in numerous cities and towns over the last five years. Queenslanders are already installing water-use efficient appliances and their uptake will continue to grow in the future. The demonstration of the benefits of effective leakage control and pressure management in water reticulation networks has encouraged other local governments to adopt the same approach. Guidelines for the agricultural use of municipal effluent, the results of the two rainwater projects, and guidelines for the installation and use of rainwater tanks will be available in the coming months.

The Sunshine Coast is very interested in the state government's Queensland Water Recycling Strategy which encourages the use of rainwater tanks. Rainwater tanks in urban communities can reduce the damage caused to local streams from stormwater during small to medium storms by reflecting the natural rainfall run-off response. Water supply planning studies have also indicated that a significant uptake of rainwater tanks has the potential to defer major capital infrastructure such as the building of dams and associated treatment plants.

By no means is this government changing all the processes that apply to environmental authorities. The existing system has many valuable and effective elements and these are being retained. The Environmental Protection Act already contains a core regulatory framework for dealing with the environmental objectives of the bill. The proposed amendments will complement, enhance and strengthen existing process and enforcement provisions to achieve greater initiatives and environmental outcomes for the EPA and its clients.

This bill will also provide improved protection for the environment, greater certainty for businesses to invest and to provide jobs, improved access to information and greater involvement and confidence in the community. I am confident that the Environmental Protection and Other Legislation Amendment Bill will reduce the burden of legislation for the EPA, local governments and businesses alike. I am also confident that the bill will not have an adverse impact on rural or regional Queensland. I also expect that the savings generated by businesses as a result of increased efficiencies in how environmental authorities are dealt with by the bill will have a very positive impact on employment. I therefore commend the bill to the House.

Mrs ATTWOOD (Mount Ommaney—ALP) (6.40 p.m.): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2002 and acknowledge the many hardworking and environmentally active groups in my electorate of Mount Ommaney. It is part of the local government's responsibility to administer the Environmental Protection Act for small to medium-scale enterprises that carry out certain activities that may affect the environment. These activities are referred to as ERAs. Local governments are interested in ensuring economic and environmental sustainability for their areas. The EPA is crucial to enabling this to occur.

Since 1998, these ERAs have required a development approval under the Integrated Planning Act, but before 1998 they required an environmental approval. The Brisbane City Council has been quite diligent in monitoring breaches of the act in the western suburbs of Brisbane. ERAs monitor such enterprises as a motor vehicle workshops, which have a higher potential for causing environmental harm, and still require an environmental licence with a development approval.

The problem has been that in the past this duplication of systems has led to some administrative complexities in dealing with ERAs. This bill has been brought about to simplify the administration of the Environmental Protection Act for local government. It will provide more consistent provisions for dealing with ERAs. Consultation with and the support of the Local Government Association of Queensland for more than 12 months has been most valuable in developing the provisions of the bill. This acknowledges the unique role that local governments have in the environmental management of Queensland.

Local governments have a dual role. They play a pivotal oversight role in environmental management by managing and monitoring the wide range of licences and approvals issued to business operations. Local governments themselves undertake a number of activities, such as sewage treatment works, municipal water supply and treatment plants, motor vehicle workshops, and waste management and disposal. All of these activities need to be approved by the State Environmental Protection Agency. Unlike the 1980s, this state government will not foist hazardous waste material dumping grounds on local governments. The original Redbank radioactive waste dump site is near my electorate and I for one am glad that it was not constructed.

The benefits of this bill will mean that local government will experience a decrease in costs in administering the Environmental Protection Act as well as benefiting directly from the regulatory reforms that the bill introduces. Local governments have supported the amendments in the bill, because it reduces the complexities of administration.

The overall effect of the introduction of consistent amendment, transfer, suspension and surrender provisions for all types of environmental authorities will result in appreciable cost reductions for local governments. Local governments will be better able to keep track of ERAs through improved processes, which will allow for the public register of ERAs to be updated to better inform the community. Local governments will also benefit from a new provision that allows for a simple amendment if only part of an environmental authority is surrendered rather than requiring a full surrender application.

The bill will also allow a local government to approve the transfer of a level 2 ERA between two businesses without having to assess a new application for a level 2 ERA, as is currently the case. Many of the small businesses within my electorate and at Seventeen Mile Rocks and Sumner Park ensure that their practices are as environmentally friendly as possible. They realise that economic health is tied to environmental health and they will not remain profitable if their practices are environmentally unsound.

As I have previously stated, the state government remains committed to keeping administrative costs to local government at a minimum. The bill has benefits for all stakeholders. It has the effect of reducing some fees for business and at the same time the administrative cost savings will ensure that local governments are not disadvantaged. I commend the bill to the House.

Mr TERRY SULLIVAN (Stafford—ALP) (6.44 p.m.): In rising to support this bill, I wish to bring one matter to the attention of the minister, and that is the notification of what were formerly service station sites. That comes under the minister's responsibility, and I thank him and the EPA for the work that they have done in the past. A specific situation is that which exists at the intersection of Rode Road, Maundrell Terrace and Appleby Road at Stafford Heights. Because of the topography of the intersection, the intersection is the lowest point in the area. From the early 1970s there were three service stations located at that intersection. There is now only one in operation.

In the past couple of years, one that was previously developed had a major leak and some thousands of litres of petroleum seeped into the soil. When that corner of the intersection was redeveloped, there was quite a struggle between the redevelopers and the EPA to make sure that the new owners fulfilled their responsibilities under the act. There is now another one of the service stations ready to be redeveloped. I am certain that the EPA will again do its job, as it has always done.

I thank the minister for his work and the environmental agency. I also ask that they keep a strict control of the register of contaminated land. Under the act a register has to be maintained and a new owner has to take steps to notify the relevant authority. So in encouraging the minister and his department to keep a strict eye on this practice, I support the bill before the House.

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (6.46 p.m.), in reply: May I begin by thanking honourable members for their contributions and for their support for the legislation. I thank the honourable member for Mudgeeraba, the honourable member for Noosa, the honourable member for Thuringowa, the honourable member for Pumicestone, the honourable member for Hervey Bay, the honourable member for Algester, the honourable member for Capalaba, the honourable member for Springwood, the honourable member for Kawana—

Mr Cummins: Hear, hear!

Mr WELLS: I take the honourable member's interjection. I also thank the honourable member for Mount Ommaney and the honourable member for Stafford.

May I thank honourable members on the other side of the House as they have so constructively supported this legislation. I would like to thank particularly the honourable member for Keppel, labouring as he appears to be under the lurgy that has got so many members of this parliament in the past couple of weeks. I thank the honourable member for Nicklin, the honourable member for Toowoomba South and the honourable member for Gregory for their helpful and constructive contributions.

May I refer to some of the matters that were raised by honourable members opposite, because I do not think that I need to repeat the provisions of this bill. Honourable members of this

House have done that so well, so articulately and in such efficient detail that it is totally unnecessary for me to go over the machinery provisions of this bill. I thank honourable members for doing that and for the research that they undertook.

One of the things that makes public life endlessly fascinating is that as well as being able to take the long view, as well as being able to look at the light on the hill, as well as being able to look to the distant horizon and chart a course for the future, one also has the opportunity to engage in workmanlike—or perhaps these days one should say workpersonlike—activities and cultivate our own garden. As the French philosopher Voltaire said, and as he said it in French, members will excuse my lapse into that language, 'Il faut cultiver notre jardin'—we must cultivate our own garden—we must cultivate our own garden as well as look to the endless vistas of the distant environment. This particular bill is about cultivating our own garden. It is about fixing up the operation of the legislation that is already in place. That is one of the reasons why the bill received its universal support from honourable members of the House.

In recent years, we introduced a new system involving these environmentally relevant activities, the environmental management plans and so forth. This bill finetunes that system which is already in place. In doing that we are not, as it were, taking apart a machine and putting it together again. We are observing the growth and development of plant and pruning it according to the nature of its own growth. That is why—because we have all worked together on this. I notice that the bill received such universal approbation that I was tempted to bask in that universal approbation and the compliments that were offered until I stopped to think that really this was not an achievement of mine but of my department and of the members who had made contributions and provided information to my departmental officers as to how these schemes were operating in their electorates. Many of those who were kind enough to compliment the minister who introduced it were in fact among those who deserve the credit themselves. I say congratulations to my departmental officers on a job well done and to members who, through their representations, routinely made on behalf of their constituents contributed to the resolutions which we have effected through this piece of legislation.

I place on record the thanks of the government for the bipartisan approach, for the constructive approach, that members have taken to make this system work a little bit better to ensure that in a tradeslike way we run this piece of legislation so that we all get a better environmental outcome and consequently a better quality of life.

Mr Cummins: We're all Queenslanders.

Mr WELLS: I thank the member for Kawana who has come here all the way from the Sunshine Coast to say that. I refer to some of the matters raised by members. I refer first to the member for Springwood and her concerns with the Redland Shire Council. The issue of the council leaving koalas on the side of the road and putting paint on those koalas, is one that I have addressed in previous correspondence with that council. I have indicated to it that that is a breach of the Nature Conservation Act. A breach of the law is a breach of the law and a breach of the law cannot continue. I have indicated that to the council This is not a matter for further discussion. I have an understanding that my departmental officers have been speaking to the council, which was willing to cooperate in the matter, but it is quite clear that this is a breach of the law. To interfere with native wildlife in that way, even after their demise, is not a course of action available to a local council and it cannot continue. I let the member know that I have written to the council in those terms. With great alacrity the member came to me and drew my attention to this practice. It is a breach of the law, and a breach of the law that will be addressed.

I must attempt to compress the rest of my remarks due to the imminence of the adjournment, but may I speak with respect to the remarks of the member for Toowoomba South and his concern for the Middle Ridge land. Obviously, it is a little bit late in the day as far as this piece of land is concerned, but I am prepared to act as swiftly as the machinery of government will enable me to. I have asked some of my scientific officers to make an ecological assessment of the natural values of the Middle Ridge land about which he is speaking. The member for Toowoomba North has joined with him in his request that I should examine the matter. We will do that and, depending on the environmental values of the land, various courses of action may be open to us. Obviously, when dealing with limited sums of money we have to choose to expend those limited sums of money on the land of the highest environmental quality and the greatest biodiversity. Of course we will do that and we will feed the Middle Ridge land information into that equation.

I shall address the concerns of the member for Gladstone in terms of environmental pollution in her electorate. Obviously for the member it is an important balance. She does come from an

industrial city and the question relating to the environment is not whether we can do something of an industrial nature: it is a question of where we can do it and for how much we can do it. It is always a question of drawing a balance. This piece of legislation does expand the capacity of the Environmental Protection Agency to address ERAs. We can require a polluter or an alleged polluter to do an environmental investigation and we can determine whether there is a source of environmental harm. If there is a source of environmental harm, we can require an environmental management plan and we can do that whether we are talking about a level 1 environmentally relevant activity, that is, an ongoing environmentally relevant activity that is a continuing process, or a one-off environmentally relevant activity that is a level 2 ERA. Consequently, the scope of the bill is expanded in these circumstances. It would be a pleasure to discuss in much greater detail the contributions that members made. Unfortunately, time presses and consequently I leave it at that. I emphasise once more—I thank members for the bipartisan support they have provided to this bill.

Motion agreed to.

Committee

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) in charge of the bill.

Clauses 1 to 6, as read, agreed to.

Clause 7—

Mrs LIZ CUNNINGHAM (6.58 p.m.): This clause relates to the amending of environmental authorities. I want to raise an issue that has arisen in my electorate to do with the East End Mine Action Group. They have concerns about dewatering as a result of the mining operations of QCL and about limestone. There is an acknowledgment on all sides that it occurs. The area of disquiet is the extent of that dewatering. The EEMAG representatives, all of whom live in the area and whose properties are affected by the mining operation or are alleged to be affected, have expressed concern to me that licences can be amended without adequate public input, particularly input by people affected by the mining operation. Also, they need an assurance that their concerns will be taken seriously and taken into account in any amendment to the licence. I am seeking some clarification from the minister. The clause provides that a public notice may be required for an amendment of a licence. What criteria will be used to determine whether public notice will be given? What notification would the community have that an application has even been put forward for an amendment if the approving authority decides not to issue a public notice? The concerns of this group of people would be replicated throughout the community in a generic sense. They want to know that, if there is to be a change to a licence, first, it will be advertised; second, that they will get a chance to respond to the application; and, third, that their concerns will be taken into account. If public notification may be required, what guarantees are there that appropriate persons in the community who may be affected by the industry will have a chance to comment on those changes?

Sitting suspended from 7.00 p.m. to 8.30 p.m.

Mr WELLS: The answer to the honourable member's question is: this clause does not relate to mining.

Clause 7, as read, agreed to.

Clauses 8 to 14, as read, agreed to.

Clause 15—

Mrs LIZ CUNNINGHAM (8.32 p.m.): This clause deletes from the trigger for environmental investigation the characteristic of 'serious' or 'material'. It has been historically acknowledged that there can be vexatious and mischievous complaints made in relation to environmental issues. Will the department in investigating complaints take into account the source of the complaint and the regularity of the complainant in issuing complaints and ensure that in removing this qualification the department does not proceed with vexatious or mischievous inquiries that could be damaging to the businesses about which the complaint is made?

Mr WELLS: Yes.

Clause 15, as read, agreed to.

Clauses 16 to 34, as read, agreed to.

Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

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

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL
INDIGENOUS COMMUNITIES LIQUOR LICENCES BILL

Second Reading (Cognate Debate)

Resumed from 5 September (see p. 3472).

Ms NOLAN (Ipswich—ALP) (8.35 p.m.), continuing: In taking up where I left off a couple weeks ago in Townsville, I wish to reiterate a couple of my earlier points perhaps as much for my benefit as for anyone else's. The first real point I made is that this legislation is good because it empowers the people in the community who have the capacity to do so to make the hard decisions about liquor licences. It empowers the good, strong women. The second point I made is that we need to treat Aboriginal alcoholics seriously. We should not treat them like their drinking is some kind of phase or is related purely to their circumstances at the time. We need to understand that Aboriginal people who drink heavily, like alcoholics everywhere, drink to escape loneliness, sadness, the traumas that life brings, a sense of not fitting and, perhaps uniquely in the case of Aboriginal people, they drink to escape their sense of their own dispossession. We need to understand that in the Aboriginal community a far smaller proportion of people drink than in the broader mostly white community but among those who do there are some serious drinkers.

This legislation is good legislation because it will make it harder for the drinkers to get grog and hence it makes it harder for those drinkers to make others' lives hell. It makes it harder for them to get drunk, go home, bash up their wives and give their kids a hard time. That can only be a good thing. This is a step that, surprising though it might seem, has not been taken before and it is a very good step. The bottom line, though, is that no-one can stop someone else from drinking—not the government, not the wife, not the family and not the community. We can create a situation where a drinker has all the reason and all the opportunity in the world to get off the grog, but in the end the drinker has to do it themselves. The reality of this legislation is that, if we were to make it impossible for people to drink in communities but not give them a good reason to get off the grog, those drinkers would simply end up in the towns. They would end up in Townsville and Cairns, where no doubt there is plenty of grog but there is no place for drinkers to fit into the community and where, God knows, the white community does not want them.

In order for people to want to get off the grog a couple of things need to happen. Firstly, there is this legislation, which sends a very strong message to people in Aboriginal communities that drinking to excess is no longer socially acceptable and indeed is not on. This is also good legislation because it slows down the tap. So this legislation, as I see it, is a very important step in turning off the tap and giving people a reason and a mind-set to want to get off the grog.

Another important part to encourage people to make their own decision to get off the grog is providing serious rehabilitation and drug education. It is not the case to the same extent in Queensland's Aboriginal communities, but in Aboriginal communities in the Northern Territory, which is where I gained most of my experience, people drink because many of them do not know about internal diseases and the damage that drinking can do to one's body. Traditional Aboriginal people believe, perhaps quite rightly, that people die because they have been sung, not because they have drunk their liver into a state of oblivion. Therefore, it is very important to educate people about the serious harm that alcohol can do to one's body. There needs to be serious drug education and real opportunities for rehabilitation in Aboriginal communities.

The other thing that needs to happen if we want to encourage people to make their own decision to get off the grog is to give Aboriginal people and Aboriginal communities a real place in our world in modern Australia and economic independence. People will never make the incredibly hard decision to change their whole way of life and to give up their social structure of sitting around with their mates socialising and drinking if they do not have something else to go to. More is needed if the only alternative to sitting around with your mates drinking is sitting around on your own facing the very hard realities of life in a remote Aboriginal community where the traditional lifestyle has broken down and where there is still no employment. There has to be serious economic development to get people off the grog. There has to be a breakdown of racism in Australia, a genuine appreciation of Aboriginal people's role in our community and real opportunities for economic independence.

It is a little ironic that canteens were introduced to many Queensland Aboriginal communities as an opportunity in themselves for economic independence. This legislation acknowledges the folly of those ways. Creating economic independence in remote Aboriginal communities is fundamentally hard to do. Unlike every other community in Australia, remote Aboriginal communities were not set up for a primarily economic purpose. Giving them an economic purpose further down the track is, in some senses, an artificial and difficult thing to do. However, I would suggest that we need to give these people control of their art industry. Art and tourism are perhaps the best developed of all the Aboriginal industries and the ones that we quite naturally associate with Aboriginal people.

For example, when walking down the mall in Townsville—as we all did a couple of weeks ago—we all saw the cheap junk masquerading as Aboriginal art that actually comes in from Indonesia. We saw the stuff that white shopkeepers sell and make big profits from selling as Aboriginal art that has never seen an Aboriginal person in its life and we suddenly realise how hard it is for Aboriginal people to get economic independence out of something that is fundamentally their own. This is a very difficult thing to do, because we do not have the same understanding of property rights when it comes to art as we do with other objects and other things.

The biggest opportunity for at least a degree of economic independence in Aboriginal communities and economic independence for Aboriginal people is for there to be cooperation among governments to give Aboriginal people control of their very lucrative art industry. The paintings of Clifford Possum Tjapaltjarri, who died recently, sold for hundreds of thousands of dollars, but he sold them for a few thousand dollars. He sold them to white art dealers in Alice Springs and Melbourne, many of whom quite actively exploited him. When he was taken to Melbourne to produce his own art to be sold through Christies and on the international stage, many of the art dealers who took him there supplied him with grog and hotels with anything he wanted—anything to keep him happy and producing his art. While he was an internationally recognised artist, he never gained any economic independence from the art that he produced.

This is happening all around Australia all the time. We spend our time thinking about what Aboriginal people can contribute to our western economy and what commodity they have. The obvious one is clearly their art, but they do not control that art. They produce their art and other people make money from it. I propose this as by no means an answer to all the economic ills of Aboriginal communities, but it strikes me as a very good starting point. It seems to me that if we want people to make the hard decision to get off the grog we need this legislation. We have to, to some extent, turn off the tap. We have to encourage people to understand the harm that the grog is doing to them. We have to provide rehabilitation and education that empowers them to make their own decision, but we also have to give people something to live for. We have to give them a role in the world as it exists today. There are lots of ways that we can talk about doing that, but one of the most obvious and perhaps one of the more unexplored is to give people real economic independence when it comes to their industry, and that is art and tourism.

This is good legislation because it develops a philosophy of genuine community development. It empowers people in the community who can take a leadership role to do so. It gives drinkers an opportunity to sober up for a while, to think about their lives and to get off the grog. It is a good start to the broader process of community development in Aboriginal communities, and I commend the bill to the House.

Mr SEENEY (Callide—NPA) (8.47 p.m.): I am pleased to have the opportunity to make some comments and lend my voice in support of the Indigenous Communities Liquor Licences Bill and the Community Services Legislation Amendment Bill. Both of these bills are complementary pieces of legislation and the bills are part of the government's response to the interrelated problems of alcohol and violence in Aboriginal communities identified by Justice Tony Fitzgerald in the Cape York Justice Study presented to this parliament in November 2001. Every member in this parliament appreciates the scope and the scale of the problem that these bills are aimed at addressing. While no-one would suggest that these bills will solve that problem completely, everyone in this House supports the efforts these bills make towards that end, and they are only the first step in what will be a long process.

The bills attempt to facilitate a partnership approach with indigenous communities to tackle those problems. The reforms include transferring liquor licences from councils to community based community canteen management boards, providing for the declaration of restricted areas for the purpose of minimising harm caused by alcohol and minimising alcohol related disturbance, and imposing strict conditions on hotels and roadhouses near indigenous communities. They also

strengthen and expand community justice groups and provide legislative backing and protection for the first time. They provide legislative power for those community justice groups to declare dry places within community areas to control the possession and consumption of alcohol.

These bills, as I said, are primarily aimed at the problems identified in the Cape York Justice Study done by Justice Tony Fitzgerald. But tonight I want to talk about an Aboriginal community in my electorate. We should appreciate that the same problems that beset the cape communities also exist to some extent or other in just about every other Aboriginal community in the state. Regrettably that includes the Aboriginal community of Cherbourg in my electorate. Cherbourg is a very different community from the Aboriginal communities in Cape York, but it is still beset, to a lesser extent, by the same alcohol-related problems as were identified by Justice Tony Fitzgerald in the Cape York Justice Study.

The Cherbourg community is by no means isolated. It is just three and a half hours from the capital city, Brisbane, and it is situated approximately five kilometres from Murgon in a very lovely spot on the banks of Barambah Creek. Cherbourg covers an area of some 12,735 hectares, of which just over 3,000 hectares is held as a deed of grant in trust by the Aboriginal people themselves and 9,600 hectares is a forestry lease. The population of Cherbourg fluctuates between 1,500 and 2,000 residents due to the transient nature of the community, which moves between that community and other communities within the Burnett Valley such as Eidsvold, Mundubbera and Gayndah, and Hervey Bay and Brisbane. The Cherbourg community is very much part of that region.

Cherbourg, as the member for Ipswich said, was established as an Aboriginal settlement in 1904, and at that stage it was called Barambah Reserve and it was gazetted as such. In common with most Aboriginal communities, it was established not for an economic purpose but as an Aboriginal community. The name Barambah Reserve was changed to Cherbourg due to some confusion between it and the nearby Barambah station. The people from Cherbourg came from all over Queensland and even from northern New South Wales. Government policy at the time did not recognise the need to maintain family and language and kinship groups. Those things were not considered important. It was referred to by some as being almost a dumping ground for people from all over the state. That has given rise to its own set of problems because the people of Cherbourg are a mix of widely scattered and widely divergent tribal groups. The result of that for the families living there has been the loss of a great deal of their cultural and traditional values, which are the essence of successful Aboriginal communities.

In the late 1980s Cherbourg developed from being a welfare centre to being a community with self-determination and self-management as its main goals, and it has been striving ever since to become autonomous. Since the mid to late 1960s Cherbourg has had an elected Aboriginal council, but it was not until the late 1980s that Cherbourg could really say it was running its own affairs. With the advent of the deed of grant in trust (DOGIT) Cherbourg took on the structure and functions of the local government body, and the Cherbourg council is now very much an important part of local government in that South Burnett area. Cherbourg shares the same alcohol-related problems as other Aboriginal communities, and it is those alcohol-related problems that these bills seek to find a solution to, especially in the Cape York communities. The Cape York Justice Study suggested a number of strategies to address those alcohol-related problems in the Cape York area, and those strategies are relevant to the problems that beset Cherbourg to a somewhat lesser extent.

The strategies include controlling the supply and availability of alcohol, particularly of sly grog, mainly by government legislation and community council by-laws; controlling demand through measures such as education, advertising, support programs and advice, and the development of a community culture of intolerance of excessive consumption; harm reduction measures such as responsible practices for the serving of alcohol; women's safe houses; screening and early intervention, where health care workers in communities have the skills to identify individuals in danger of developing abuse problems and to intervene appropriately and develop the skills and confidence of family and community members to support and encourage those identified as needing to seek help; and treatment, including detoxification, medication, evidence-based rehabilitation and relapse prevention matched to individual needs. Those strategies are just as relevant to the Aboriginal community in my electorate in south-east Queensland as they are to the Aboriginal communities in the Gulf of Carpentaria. But when I read those strategies and think about them in terms of what I know about the community of Cherbourg, I know that to some extent they are not only already in place but they are working in that community, in particular the

second of those strategies relating to education and the development of a community culture of intolerance of alcohol abuse.

One of the features of the Cherbourg community in recent years has been the educational facilities that are available there. A kindergarten, a preschool and a primary school are located in Cherbourg. In 2000 the Whole of School Aboriginal Studies Program was piloted by the Cherbourg State School. Its aim was to introduce Cherbourg's history, development, culture and language to the students. In common with schools in Goondiwindi and Currimundi, Cherbourg has boosted student performance using a new IDEAS method. The method essentially promotes schools as leaders of social change and assists in the improvement of literacy and numeracy standards, general student performance and behaviour. That school based program teaches children to feel good about themselves, it creates a sense of identity and it gives them skills to survive in a knowledge economy. That in turn rubs off on the whole community. To achieve the goals of a school vision, students lift performances dramatically.

That has happened in no uncertain terms at the school in Murgon, and it has happened to a very great extent because of the efforts of one man—the principal of Cherbourg school, Mr Chris Sarra. Chris Sarra has not been the principal of Cherbourg school for very long, but within 18 months of his arrival at the school Chris cut annual unexplained absences at the school from 1,185 to less than 70 by the end of last year. That is an incredible figure, and it encapsulates better than anything else the success that Chris Sarra has been able to achieve at the Cherbourg school. In a school population of 87 students, there were unexplained absences of 1,185 before Chris Sarra started there as principal, and he has cut that figure to 70. If we are going to do anything in terms of education and achieving those strategies that were identified in the Cape York study for educating kids and solving these problems, the first thing we have to do is get the kids to come to school on a regular basis. The strategies that Chris Sarra has been able to put in place at Cherbourg have certainly done that, and he has been able to address that fundamental problem of chronic and endemic absenteeism.

He started a weekly incentive scheme with simple things like iceblocks for the class with the least absences, and at the end of the term the best class ate at McDonalds. That is a great thrill for kids from places like Cherbourg. Recent awards included trips to Melbourne and Dreamworld. But what I believe has been at the heart of the success story that is Cherbourg State School is a slogan that the principal, Chris Sarra, developed which underwrites everything he does at that school. He teaches, he encourages and he almost insists that the kids be strong and smart. The words 'strong and smart' are included in everything they do. It has become almost a chant that they are strong enough and smart enough to resist the whole range of problems that have traditionally beset kids of that age in that community. Cherbourg kids are strong and smart—they are strong enough and smart enough to overcome these difficulties.

He talked about selecting staff who would not accept Aboriginal underperformance as normal. Once again, the figures back up his success. On his arrival, year 7 students could not read the books now being read by year 1 students. Then, 87 per cent of students failed year 2 reading tests. Last year, less than 40 per cent of students failed. The strong and smart strategy has been an enormous success not only in getting kids to come to school but also in keeping them in school and keeping them focused on what school is all about. That is the building block for addressing the types of problems that have beset so many Aboriginal communities.

The educational facilities are also carried through from the Cherbourg school. The Nurunderi College of TAFE was built as an annexe for the Kingaroy College of TAFE. It is a very impressive facility that supplies the type of training that will provide job skills for those children as they become old enough to leave primary school and complete high school in Murgon.

There are other community organisations. The Jundah Women's Group was formed in 1997 and became incorporated in 1999. The organisation has broadened its sphere, and the umbrella of Jundah now covers the Jundah Safety House and the Jundah Aboriginal Women's Information Service. In 1991 the organisation acquired land and a house to establish a safety house for families and individuals who were victims of domestic violence. The safety house was officially opened on 8 February 1992. The Jundah Aboriginal Women's Information Service is a contact point for women to put across their ideas and concerns. It supplies reference material and exchanges information on resources available. It has done an enormous amount in that community. The strength that has been demonstrated by motivated women in that organisation is something that is difficult to put into words. The great effect that organisation has had through the efforts of those motivated women in that community is something that really has to be seen to be believed.

The Youth and Community Care Action organisation is also active in the community. It was initiated by the state government. One of the objectives of the organisation is to link with all other community based organisations, such as churches, youth organisations, service clubs, businesses and local government departments, to develop constructive alternatives for young people who may be at risk of becoming involved in criminal activities.

The Barambah Aboriginal Community Care Agency is a welfare agency established to assist and contribute to the family structure in a culturally appropriate manner, suitable to the needs of the local and surrounding Aboriginal groups. The main aims are to foster an awareness of the roles within the community and to regain stronger family ties within the family unit that have fallen victim to social change.

The Beemar Yumba Hostel Aboriginal Corporation is primarily a children's shelter which focuses on the needs of neglected children, children whose parents are undergoing treatment for illness or are in the healing process, children who require a safe haven from domestic violence and abuse, children whose parents are suffering from stress and children under the legal care of Family and Children's Services. It also deals with referrals from the hospital, police and Children's Services. It was gratifying to note the allocation in the budget this year to replace the physical facilities at Beemar.

The Gundoo Day Care Centre is a non-profit organisation and charges at the government fixed rate. 'Gundoo' is an Aboriginal term for children. There is a respite care centre which aims to provide quality services for people with disabilities or for the aged. There is an aged hostel for persons who are unable to manage in their own homes and may require some daily help. The hostel also caters for young disabled people.

The Wunjuada Alcohol Rehabilitation Centre addresses the major issues of alcohol, drug and substance abuse, which affects Aboriginal health and living standards and has a profound effect on culture and society. The community opened a new medical centre, the Berlene Faye Chapman Medical Centre, in July 2002. It begins operation in September and will complement existing services. That centre has been 13 years in development, and a good proportion of those funds were raised by the community. That outreach program provides a facility for youth to channel their energy in a positive manner in an effort to address the juvenile crime in the area.

All of those organisations have something in common. They have an ownership by the local community. They have an involvement by local people. They have the similar aim of improving the lifestyle of people in the local Cherbourg community. That, I would contend, is the key to solving so many of the problems that beset Aboriginal communities throughout this state, primarily those Aboriginal communities in the remote areas of Cape York. I think the Cherbourg community can be held up as an example for others to follow. The most important part of that example is the establishment of those community groups that encourage community participation and that depend on community ownership by the people in those communities, not only for the operation of those community groups but also for the successes they are able to achieve.

Cherbourg also has a modern hospital, which is a credit to the community. The hospital began there in 1909. I think the hospital there today is very different from the hospital that was there in 1909. The hospital in the Cherbourg community is a remarkable facility. Cherbourg also has a police station, SES and fire brigade units. Once again, the SES and fire brigade units are community based groups that depend on community participation and community ownership for their success.

A range of enterprises have been set up by the Cherbourg community in an effort to give the community that economic base that is so important. There is a joinery workshop, a dairy farm and a stud farm. Probably the most widely known is the Cherbourg emu farm and emu abattoir. There is a tannery that operates in conjunction with that emu farm and emu abattoir. While all of those enterprises have enjoyed varying degrees of success, they are all important in giving the community a chance at achieving economic independence, at providing an economic base for that community.

I join with other members in this House in supporting this legislation. I think it is a step in the right direction. It is an attempt to address the very real problems that affect so many of our Aboriginal communities throughout the state. I think we can all join with the minister in expressing the hope that this legislation goes a long way to addressing those problems.

Ms BOYLE (Cairns—ALP) (9.07 p.m.): I am pleased to support the bills before the House. Unfortunately, I have to say that Cairns has seen the tragedy of Aboriginal people who have alcohol problems. We have seen that tragedy stretching back through the years, probably since

the city first existed. Cairns has always had a significant proportion of its population as indigenous people. While generally this is a matter of some pride for the city of Cairns, in relation to some alcohol problems, particularly as they have been displayed in public places, this has not been so. There are in fact reports stretching back in the editions of the *Cairns Post* some 100 years outlining this problem on the streets of Cairns.

In the present circumstances there are those in Cairns who are expressing some concern about the actions that will follow from the passing of these bills tonight. The anxiety is that, as communities in Cape York are empowered to take control of alcohol in their communities, those who are already alcoholics and those who have very significant behaviour and other problems may well be forced out of their communities and they may choose then to relocate elsewhere, and maybe that 'elsewhere' will be Cairns.

Those who are concerned about this are probably those who are particularly concerned already by the extent of the problems we have on the streets of Cairns. These in fact in general are not so serious in themselves; it is just that they are highly visible. Coming as they do generally in daylight hours or early evening hours and often in the most populated part of the city, in front of locals as well as tourists, they sometimes draw some media attention that is disproportionate to their seriousness.

It is not pleasant to be walking down, perhaps, the restaurant strip in Cairns and to be accosted by somebody who is drunk asking for a cigarette or a couple of dollars. At the same time, that is not a major problem or a serious security problem. Sometimes the problems caused in the streets by indigenous people who are under the influence of alcohol are worse because they are in groups. As they call to each other—perhaps in a joke, lots of times—their voices are loud and harsh sounding, and that can be frightening to people who are unfamiliar with their culture and people who are disapproving of the individuals and their lack of control in relation to alcohol.

Our government has taken many actions to assist these people with their various problems. Yes, alcohol is probably at the core of the problems for those who mostly frequently cause offence on the streets of Cairns, but so too are other problems such as homelessness, dislocation from their cape communities, separation from their social and family networks and a lack of training and employment and hope for the future.

I must take a few moments to congratulate our police officers in Cairns who have handled these matters very sensitively and in a very balanced fashion in the last four years since I have been the member for Cairns. The police officers have established some new initiatives from a policing point of view. They have recently been granted move-on powers in the city area following a submission from the Cairns City Council. However, as the police have been quick to say, moving people on is simply that; it does not solve the problems.

The police have instituted a higher proportion of foot patrols which contribute to safety and security in very many ways in the CBD of Cairns. In fact, they have developed a CBD policing strategy and are active in two police beats in the CBD area: namely, one on the Esplanade side of the city and one in the Cairns central shopping precinct. I would like to take a moment to thank the assistant commissioner for the far northern region, Alan Roberts, and the chief superintendent of the Cairns area, Stephen Holland. Their sensitive and intelligent leadership of the police force continues to be of great benefit to the city. I would particularly like to recognise some of their staff who have been hard at work on finding innovative ways for managing crime in the CBD, particularly in relation to alcohol problems, and they are Rolfe Stratemeyer and Bruce Kuhn.

Beyond the policing, however, we must look at the important things that we are doing as a government to address the causes of the problem. So far as homelessness is concerned, we are mindful that some of those who are homeless on the streets of Cairns do not have the capability, the skills or the experience to live independently, for example, in public housing. Our government has built a night shelter which can provide temporary accommodation for those who come to Cairns and who are homeless and who need some assistance to sort out accommodation and other problems before progressing to other forms of housing.

Thanks to the minister's particular interest, we have recently built a new purpose-designed diversionary centre in Cairns. This was a recommendation from the Aboriginal deaths in custody report where it was recognised that for those who are intoxicated and at risk of causing themselves harm, or causing harm and disruption to others, it is better if they can be diverted from custody and instead put in a place where they can have a good sleep, be cleaned up and

be monitored by people with some nursing and health skills. Unfortunately, our diversionary centre is already very busy.

We are working on other services as well to complement those which I have mentioned above. I refer particularly to transport services. Often those who have spent their money on alcohol and who have limited family and social contacts in a place like Cairns, and who do not work and do not have a regular income, have no means of transport. Organising and arranging transport for them to their families, to their accommodation, to the night shelter or even to the diversionary centre is something that may head off some of the problems of excess alcohol intake. I am pleased to say that the senior person appointed by the minister to the office of DATSIP in Cairns to review the strategies of managing Aboriginal homelessness and associated alcohol problems has been developing a new initiative in regard to antisocial behaviour, for it is the antisocial behaviour that is problematic to the broader populace of Cairns, more than alcohol itself.

These various initiatives notwithstanding, we are hopeful that several of the proposals that are being worked on at the moment to provide a longer-term rehabilitation centre in the Cairns area will actually come to fruition. We know that for those who have been serious alcoholics there is no point in giving them two or three or four days in Lotus Glen. That does not change them—it does not get rid of their alcohol problems; neither does a serious reprimand from the media or a shaming, even from their own people. They need more help than that—particularly the people who have had these problems for many long years. That is where we are hopeful that a rehabilitation centre that can be associated with training and employment opportunities may provide those who are willing to give up their alcohol with a future that is much more positive.

Additionally, I must say that the magistrates in Cairns have welcomed this initiative and offered their support, as they are only too well aware from seeing the person who has caused some disturbance on the street due to alcohol before that sentencing them to several days or a week in prison is relatively purposeless. They realise that punishment, as it were, just does not change the situation; instead, for those who are repeat offenders, the magistrates say that it would be better if they could use a non-custodial sentence of a longer period so long as rehabilitation was involved.

In order to address these problems in Cairns—associated as they are with people from Cape York communities—I think it is important that we keep in proportion the extent of our alcohol problems. I am sorry to say that in Cairns they are more serious amongst the Caucasian community. The difference in terms of media attention is more dramatic. Why it should be so that those Aboriginal people who are on the streets and who become intoxicated gain so much more attention is a matter on which we might speculate. Not least of the reasons would be that those who are from a Caucasian background are inclined to wreak their havoc on the streets of Cairns at 3 or 4 o'clock in the morning when the great majority of the populace are at home in their beds. Nonetheless, the seriousness of the problems that have occurred on the streets of Cairns in the early hours of Friday, Saturday and Sunday morning is much greater than the intrusion and disturbance caused by Aboriginal people during daytime hours.

Unfortunately, there have been assaults, people have been threatened in regard to their safety and there have been some circumstances where men have been killed, either accidentally or through distortions that can come about through excessive alcohol and drug intake. I am pleased to say that these serious problems are being addressed by the Division of Liquor Licensing, but it is important that we recognise that alcohol problems are not just the province of Aboriginal people—not at all, despite the predilections in some sections of the media for focusing on indigenous people and their problems more than on other sections of the community.

I would like to give recognition in terms of proportionality to the problems that Aboriginal people have with alcohol. It follows from that that there are many Aboriginal people in Cairns who are starring these days. I was recently invited to attend a challenge put on by the Aboriginal and Islander Tertiary Aspirations Pathways program in Cairns. They gathered teams of four students from each high school across the broader region and brought them together for a challenge between the teams in areas such as long-term problem solving, commercial role plays, a general knowledge quiz, public speaking, multimedia studies, ICT and so on.

I was able to attend only for part of the program due to parliament sitting that week, but I must say that it was a wonderful affair to see young Aboriginal and Islander people full of confidence, full of intelligence and scoring just as fine as any other young person in our society

could do. It was, in fact, a good reminder that while there are those with serious alcohol problems, they are a minority of Aboriginal people.

In the end, though, we have to address the problems in the homes. I believe that, by taking this focus, particularly in Cape York communities, we are getting closer to where the problems really start. It is a great pity that our government has had to take legislative action. In thinking about these bills, I was reminded of a university assignment that I completed some many years ago now. The question was: is legislation an effective way to change social behaviour? As a then budding psychologist, I had wanted to argue that, of course, legislation was not how we change people's behaviour, but how people change their behaviour was through motivation, through education, through attitude change, and that the law and lawyers had little to do with it. Unfortunately, that attitude of mine has long since changed. It is necessary, with serious social problems, for there to be legislation not only to give force to the actions that will follow from breaches of the legislation but also to send the message as strongly as it needs to be sent to all of those involved in the problem area that this is serious and that serious and continuing action will be taken beyond the niceties of encouraging through education and information.

I am pleased that, through these bills, there will be opportunities for the women of the Cape York communities to take a stronger role. I know from my own discussions with them that they have been wishing to do so and yet have been too anxious and too lacking in confidence to do so on their own in a firm way in large numbers. I believe that the bills that we are considering tonight will offer them that opportunity. Mothers of sons who are getting drunk and abusive as well as wives who are sick of being abused themselves are indeed fine people to put in a position to set some new standards for their community. Of course, I am hoping, too, that their leadership will be matched by leadership from the many fine Aboriginal men that there are in these communities who, too, need to no longer turn their eyes away in shame but instead take back into their own communities the ownership, the power and the authority that these bills will give them. I commend the bills to the House.

Mrs DESLEY SCOTT (Woodridge—ALP) (9.22 p.m.): The legacy of white settlement in Australia to the original inhabitants is one that fills many of us with sadness and untold pain. We are filled with a sense of loss as we view what has happened to a once proud people who inhabited and cared for this land. Many have lost their sense of dignity and culture and have had their lives destroyed by alcohol and drugs, not to mention many diseases that formerly were unknown in this country. Our modern society has robbed many of their true sense of identity, their cultural law, their dreaming and stories, their cultural food and way of life.

Australia is not alone in this. All over the world we see indigenous cultures swamped by the modern world and there have been so many negative effects on all of these people. It is incredible that it has taken such a long time for the full realisation of the harm done to our Aboriginal brothers and sisters to become widely known and acknowledged. The stolen generation is still with us. Many are still relatively young people. It is very recent history. So we are looking at a start to what may be a very long road back for many of these people.

I can happily report that in my electorate of Woodridge I have many very fine indigenous people—men, women, young people and children who have rediscovered their heritage and who are proud of their Aboriginality. It is celebrated. Schools in my electorate are encouraging Aboriginal elders and parents to help restore the culture within the hearts of students. Our AASPA committees are working well and new partnerships with community groups, schools and churches are now being formed.

Recently, I enjoyed an evening of storytelling at Woodridge High School, with Aboriginal elders sharing their dreaming around camp fires. We ate together and enjoyed some traditional dancing. It was a great evening. We are very proud to have an Aboriginal school captain at Woodridge—Jack Brunker—who is a great role model for the students and the wider community. I applaud the work of community leaders such as Reg Knox and his daughter, Missy, who have inspired so many of our young students in our schools; Martin Wattego and his extended family, who over many years have given so much to our community; and Celia Moore and many other wonderful Aboriginal women whose company I enjoy so much. They have encouraged many of our young people in their sporting endeavours. Faith Green and her family are involved with students and run a church program for young people. Albert and Nancy Bowie have widely distributed Aboriginal cultural items and arts and crafts and encouraged students to feel pride in who they are. Neville McKenzie and his family bring a lot of interest to our festivals with their music and Aboriginal dance as well as beautiful arts and crafts. Barry of our multicultural centre is a

regular at our schools and functions. A number of local Aboriginal groups spend a great deal of time forging positive links within our community, and I thank them all.

However, there is one Aboriginal elder whose friendship I have valued for perhaps close to 20 years, from whom I have learned much, who I respect greatly and who has helped me to gain a little understanding of the difficulties faced by his people in our western society. Paddy Jerome was raised for the first five years of his life as a traditional Aboriginal. At his grandmother's knee, he learned his traditional language, tribal culture, tribal law and dreaming. It was here that he gained his true identity. But then he was taken away to attend school on a mission and learned up to grade 4 level, when he was then sent out to work. He learned to drink and for many years conformed to what he now says is the negative image created by our society. He was violent and angry.

It was many years later in Sydney when a Catholic priest, Father Ted Kennedy, took Paddy in and explained to him how he had been corrupted by white man's culture, conforming to the pressures of society. Deep inside, his Aboriginal nature told him that it was wrong. This was the start of what was to become for Paddy a lifelong work to restore his people. He started the Catholic Council, Queensland Aboriginal and Islander Alcohol Services, Dundulli Youth Services, and the 139 Club for homeless people in the Valley. One of Paddy's reformed alcoholics is now a minister in the Uniting Church, himself now rescuing others. For many years, Paddy has been chaplain to our Aboriginal men in our prison system. But he now believes that there is a far deeper underlying problem that we must address if we are to see these people gain their self-respect and culture. He strongly believes that the violence, drinking, youth suicide and all of the negative aspects in the lives of many Aboriginal people are all linked. They have lost their culture, their self-respect and their social image. When passing us in the street many Aboriginals will have a negative image and we may feel that there is something wrong with them. They are conforming to general society expectations. In 1975 Paddy conducted a survey and found that 75 per cent of whites had a negative image of Aboriginals. However, the sad fact was that, in a similar number of Aboriginals surveyed, 50 per cent of their community also had a negative image of their own people, a very sad commentary indeed. They had internalised such self-hatred and hopelessness that suicide was often the end result or their hatred was directed towards family members in their drunken state of mind. According to Paddy, this is real psychological warfare and happens to all cultures. He cited Julius Caesar as the father of this warfare when 2,000 years ago he used it to minimise the potential for revolution of a captive nation. Within Aboriginal culture, the psychological addiction is far stronger than the physical addiction where they are conforming to a social expectation.

Paddy stopped drinking 30 years ago and many have wondered about this man, but when you look inside you see that the hurt has been too great at seeing his people destroyed. Paddy now has a new dream. He wishes to reach a new generation, to enable young people to own their ethics and moral behaviour which has almost been lost. He wishes to see a cultural rebirth. His dream centres on a significant sacred site on the Darling Downs where he hopes to restore the land and set up a cultural centre where young people can come to learn of their heritage and culture and feel pride in who they are. He wants to see the healing and restoration of the Aboriginal sense of values and believes that the negatives will drop away. I know that Minister Matt Foley has been briefed on his plans and that he has the backing of the Toowoomba City Council and Cobb & Co museum and significant assistance from Professor Bill Wilkie, who has a very strong interest in Aboriginal culture and language and has been initiated into Paddy's tribe.

The legislation we are debating today gives a framework for empowering these communities. It is no longer acceptable for white men to paternalistically make decisions that affect the lives of people on these communities. It is far preferable that the communities make these decisions, and many will be tough decisions. The reports have shown unacceptable levels of alcohol abuse and violence, incarceration, poor health, unemployment, suicide and early death. No-one in a remote Aboriginal community would be untouched in some way or other. This will enable the community justice groups to declare dry areas where alcohol is not permitted, to decide when and how alcohol will be sold, to give advice to the courts on sentencing and mediation, to institute measures to control and limit the sly grog trade and, most importantly, to break the councils' hold over liquor establishments from where much of their funding has come in the past.

The legislation contains very high fines for sly grogging and tough sanctions for these dealers in misery. Both state and indigenous community police will be given powers to seize property and vehicles and will also be able to destroy small amounts of liquor. These measures in themselves will not restore the self-worth, high esteem and cultural values needed for our

indigenous people to regain their true image and culture. I am very heartened to see that in *Meeting challenges, making choices* our government has a number of initiatives which will go hand in hand with the more difficult measures of regulating liquor outlets and reducing violence and crime, offering support to children and families, improving health, education and training, fostering economic development and, very importantly, encouraging the elders to keep their culture and language alive by passing on traditional arts, crafts, dance and teachings to the younger generation. This will truly restore pride and a great sense of hope for the future. It is in the young generation that we hope this pride will be restored. In the words of Paddy as I left him last week, without this underlying pride of self it will fail.

Mr ROWELL (Hinchinbrook—NPA) (9.35 p.m.): In rising to support the intentions of these bills, I note that there are enormous troubles and problems in terms of issues that deal with alcohol in Aboriginal communities throughout Queensland and probably throughout Australia. Having said that, the ways and mechanisms of dealing with them via the intentions of this bill are certainly very admirable. We can only hope that they will bear some sort of fruit at the end of the day when this legislation has been in place for some time. One problem is that many rural communities at this time are in poor shape. Of course, a lot of people who work in Aboriginal communities around Queensland are very dependent on industries such as the cattle industry. We heard a very good speech by my colleague the member for Callide where he expressed some of the issues important to a community in his electorate. It is extremely important that we do find opportunities for Aboriginal people. Welfare support is not good enough. That is one of the major issues we must deal with and confront. Boredom in those communities is a major issue. Many Aboriginal and Torres Strait Islander people are very industrious. In fact, at one time I employed up to 15 such people. The person who does our book work, Christine George, is a Torres Strait Islander. She has been motivated enough to attend the local TAFE college in Ingham, to do a course in business studies and to be very successful. At this point she undertakes a number of duties that are important to us, including general farm work and book work. That will be a lead to her finding a job opportunity. I can only hope that at the end of the day she is extremely successful, because it is not for the want of trying. That is what it is about—giving people opportunity and their doing something about it.

Cultural development in Aboriginal communities in terms of the sale of liquor will take some time as far as change is concerned. This is something that has been ingrained in many of these communities over a long period. Unfortunately, it is a culture that has developed and it is extremely difficult to shake that culture. I can only hope that this legislation does that, but councils such as Palm Island council are now looking at saying, 'Okay, we will have beer only in our community and not other spirits, wines and so on', which are a major problem as far as Aboriginal people are concerned. In fact, some might even go to the extent of saying that light beer only would be very beneficial in stopping those people within those communities from reaching a point where alcoholism is a major disbenefit to the community, causes domestic violence and disrupts those communities.

Imposing strict conditions on hotels and roadhouses near Aboriginal communities will be very challenging, because the location of many of these Aboriginal communities and the circumstances therein are quite different. We can say to Aboriginal people that they should not go there and we can say to the hotel proprietors that they should not trade with people when they reach a certain level of alcoholism, but at the end of the day business is business. People will go in those directions and it will be very hard to stop that sort of thing.

These communities have a problem with alcoholism. Some 50 per cent of the indigenous population has a drinking problem or impaired health. This is a detrimental issue for Aboriginal people. There are some extremely important health care facilities in my electorate, of which Jumbin is one. The community at Jumbin was very productive. They tried to grow bananas and, although they had a rough time of it, they made a genuine effort to do something for themselves. They are still doing so now. It became important for the community to have constant monitoring of diabetes, glaucoma and so on. Sugar intake is a very important health issue for Aboriginal people. If people are susceptible to certain elements in society that are detrimental to their health they will require close monitoring, and that is what is happening at Jumbin at present.

We are hopeful that the Cardwell community health centre will get under way shortly. The budget paper from 30 June 2002 indicated that $250,000 was spent from an allocation of $750,000 for that centre. This is not just for the Aboriginal community in the Cardwell area. Recently at a meeting in Cardwell, Philip Rist, who is involved with the Girringun elders, said that he wanted to get involved so as to ensure that Aboriginal people within the township of Cardwell

have access to health services. We hope to get this centre up and running. We are not quite sure what the government's intention is. I placed a question on notice to the Minister for Health. The centre would benefit the older people in the Cardwell community. Also, it would benefit the local Aboriginals to have monitoring of diabetes and glaucoma. Regular testing has had to be provided at Ingham. That testing is necessary if we are to keep people in good health.

Another extremely important initiative for Aboriginal communities, and certainly in townships such as Innisfail, Tully and Ingham, are the police liaison officers, who do an extremely good job. When there are incidents of public drunkenness, they can go into those communities and deal with those issues. We have two police liaison officers at Innisfail and two at Ingham. There is a major need for one at Tully. Recently, along with the police I went to Jumbin and witnessed major problems with glue sniffing, drugs, alcoholism and so on. The police liaison officer in concert with the health care community centres provide a good combination to ensure that Aboriginal people are kept in good health. Certainly, if there are major issues with their home environments and their relations with the rest of the community, the PLOs can deal with that. Very often, they can defuse a situation before it gets to court. Each month at the courts in Tully in particular a large group of Aboriginals faces the magistrate. I believe we can do a lot in those communities with the police liaison officers and the health care centres.

Another very interesting initiative started at the Johnstone TAFE in Innisfail was a justice study group. It was commenced in Innisfail in 1990 or 1991 by Alan Bulla. This is an excellent course for Aboriginal youth and others that introduces them to opportunities in the Police Service. They also now run a national indigenous legal studies course that is attracting people from all over Queensland. This was a first for Innisfail. About 20 students are from the Torres Strait. We cannot get money to run programs up there. If we are going to do something for Aboriginal communities, of which education is an important part—and we can use TAFE to provide education, particularly for job related activities—we should be looking at these types of courses. I understand they are even going into the Northern Territory to conduct these courses. Johnstone TAFE is not just sitting on its laurels in the Innisfail district but is spreading its wings and providing opportunities for Aboriginal people. I hope that governments can provide financial support to facilitate such training courses.

One of the major concerns we have with Aboriginal youth is that they do not have a great deal of respect for their elders. It is no longer like it used to be when elders controlled the tribe and had a major input into what happened with the tribe, and particularly with respect to its young people. It is of some concern that that disrespect is reaching a point where the elders are being ignored and not receiving the acknowledgment they deserve. Aboriginal law is no longer being observed.

We have introduced dry places, where the possession of an alcoholic drink attracts a fine of $18,750. For being drunk in such an area there is a penalty of $1,875. Presumably, if people cannot pay the penalty they will go to jail. That is of concern. I think it needs to be addressed differently. These people probably do not have the wherewithal to pay these fines. Perhaps we need to look at other penalty-type provisions to allow people who are not adhering to the rules of a dry place to receive assistance from the community. That would be a better response than the heavy penalties that have been put in place. I presume those penalties would also apply to people who are not necessarily from that particular community. Councils will receive, through the proposed provisions for canteens and licences, about 75 per cent of the net quantity of sales to assist with cash flows. The government is not providing any compensation, as I understand it, for these communities. It is pretty difficult when starting from scratch with no seed money provided to ensure that those communities can provide opportunities.

The member for Callide spoke about education within these communities. Other mechanisms might also create interest, such as art. We have to find initiatives for people facing boredom and experiencing low morale and low self-esteem. Unfortunately, they might be in the grip of the demon alcohol, or even methylated spirits, which is sometimes resorted to by people to get a kick out of life. It is of concern that no support will be provided other than just 75 per cent of the net quantity of sales to those communities. That has the effect of enticing them to generate cash flow through the sale of alcohol—the very thing we are against. That is of some concern. We need some further initiatives. I would like to hear from the minister about what she is doing now. I have no doubt that she has some ideas. Once again, money is always of some concern.

Sly grog is another area of great importance. Wherever we see sly grog we see big dollar signs. As I said, people get access to many of these communities. They know that a large amount of money can be made. The risks are high. But whenever the risks are high the returns

will also be high. This is an expensive way for people to buy liquor. As I said at the beginning of my contribution to this debate, we cannot expect people to turn around their lives overnight. They have probably been drinking alcohol ever since they were very young and it will be difficult for them to change. Anybody who has had an alcohol problem does not give it up easily. While ever there is the prospect of getting alcohol in whatever manner, they will be pursuing it. There need to be programs to assist people to get off the alcohol and to kick the habit if possible.

Generally, we on this side of the House support the intentions of this legislation. As time progresses we will see just how effective it is. A member who spoke earlier in the debate said that we cannot legislate for what people need to do; they also have to want to do it. That is the challenge they face and the government faces. There are not just the legislative constraints but also the ability of the government to find initiatives and opportunities for people so they can get out into the community and not just stay within their own community. In this day and age, people do not tend to stay in one place for very long. There are opportunities elsewhere. If they can leave their own communities and feel proud and confident that there are jobs and opportunities there, that will only be good for their self-esteem. In general, I support the legislation.

Hon. J. FOURAS (Ashgrove—ALP) (9.51 p.m.): I am pleased to rise to support the Community Services Legislation Amendment Bill and the Indigenous Communities Liquor Licences Bill. It is desirable that this debate be cognate—that is, these bills should be taken together because they are complementary pieces of legislation. The bills were an endeavour to facilitate a partnership with indigenous communities to tackle the associated problems of alcohol abuse and violence through a number of reforms. These reforms include transferring liquor licences from councils to community management board canteens, providing for the declaration of restricted areas, and by strengthening, expanding and providing legislative power to community justice groups. The most important legislative power given to community justice groups is that of declaring dry places within community areas.

I lived and worked in Murgon between 1962 and 1966. I was starkly aware of the problems that alcohol created in that community, but never was that more underlined to me than when I was involved as a senior consultant on the homeless children inquiry. A number of indigenous women from areas like Broome, Darwin and Alice Springs came to the hearing and were literally crying about the pressures they were under and their daily trauma to try to find the energy to help family members who were alcoholics, but more so to look after the children of those family members by supplying food and to care for them, because their parents would take their social security cheques to the pub and could not look after their children. There was nothing more stark for me than that.

The statistics show that, although a smaller proportion of indigenous people consume alcohol, those who do drink do so to a harmful extent. There is no doubt that there are undeniable outcomes of alcohol abuse. We have all heard about violence, injury and poor health. Studies indicate that indigenous people in Cape York consume about four times more alcohol than the national average—four times more than any other community drinks. The outcome is that alcohol related deaths are more than 20 times the general Queensland rate. The Cape York Justice Study starkly catalogues the harms from excessive alcohol consumption. The study found that levels of violence continue in an upward trend, hospital rates due to injury and poisoning are three to four times higher than for Queensland as a whole and, as I stated earlier, then there is the violence, abuse and neglect of children which can predispose children to fears for their safety and lead to behaviour problems later in their lives. It should be noted that nearly half the population in Cape York are children. We also have to note that when people drink excessively their participation in the work force is comparatively much lower than any other group.

I was in Murgon when the laws were changed from indigenous people not having the right to drink to having the right to drink. Before that they would buy sly grog at a much higher price, but when they got the right to drink the price of grog decreased and they consumed more. Paydays were horrific in Murgon, because heavy drinking was followed by brawls and self-harm. I remember one Melbourne Cup when a horse with an Aboriginal name was running. It was 33 to one and it won. What a disaster that proved to be for the town when they all collected their winnings, because there was chaos for the rest of the week—absolute chaos. The Beattie government has a choice of self-regulation or prohibition. There is no other choice. Doing nothing is not a choice, and the cries of paternalism that we hear from the Aboriginal Coordinating Council are just trite.

I was distressed to read the Aboriginal Coordinating Council's press release of 30 August 2002 where the legislation before the House tonight was described by it as 'draconian'. I will read some excerpts from that press release. It states—

Proposed amendments ... are an intrusion on the authority of democratically elected Community Councils.

...

Mr Hudson said while the ACC remained committed to improving quality of life on communities and agreed for the need to reform, it had grave concerns about the speed with which the new laws were being enacted.

I found it extremely concerning that three communities, including Kowanyama and Hope Vale, which have expressed these concerns, are prepared to take the government to court over the matter. Where have these people been while this chaos has been happening to their communities? I totally support the Cape York Justice Study, which concludes that alcohol consumption and its consequences have severely compromised the capacity of community councils to exercise self-management and self-determination. Bandaid solutions can no longer be sustained.

I am very impressed by Noel Pearson. I have noted that he has spoken about the issue of the Fitzgerald report and what he would do about it. He notes quite unequivocally that government policy and programs aimed at improving matters such as unemployment have had no real impact on the abuse epidemic because it is the latter that needs to be tackled immediately. Pearson favours strategies relying on concepts of prohibition or limitation of supply, and I think that what we are trying to do to date is to limit supply. Pearson, in coming to this conclusion, has come to understand that the social and cultural pressures to drink in Cape York are very strong and believes that addiction is a problem in itself. It is not unemployment and historical factors; it is addiction that is the problem.

Supporting Noel Pearson and his analysis does not mean that I deny historical factors of assimilation, the collapsing of employment in the cattle industry and the impact of cash-in-the-hand welfare payments—examples of what I noted in Murgon on paydays. In criticising this legislation, the ACC has come up with no viable alternatives to the strategies which this legislation addresses by seeking to control supply and availability of alcohol, in particular sly grog. As well as controlling supply, this legislation seeks to control demand through education and by the development of a community culture of intolerance to excessive alcohol consumption. We have to change the culture. We have to get the communities working together and helping each other to understand that it is not tolerable to have a level of consumption of alcohol that is four times the Australian average and to suggest that that is a culture that cannot be changed.

I will conclude by fully supporting the expanded role of the community justice groups. The press release from the Aboriginal consultative councils which I mentioned earlier implies that indigenous communities will not be able to work with all three separate pieces of legislation they will have to deal with and the decision-making structures that will be imposed on them, one of which is answerable to the people and two of which are answerable to the minister. The community justice groups provide a means for the communities to plan and implement effective strategies to address local law-and-order issues. The CJGs have been operating since 1993; however, they have operated without legislative protection and support. A range of functions will now be recognised by law. One of these functions, which I totally support, will be the power to declare dry places. Moreover, community justice groups will now be able to make recommendations to the minister about matters such as opening hours and declarations of restricted areas and prescribed amounts of alcohol permitted in them. It is very sad to read the criticism by Aboriginal consultative council chair, Thomas Hudson, branding this positive attempt to solve a serious problem as draconian as well as branding the new powers of community justice groups as unworkable. He is wrong, wrong, wrong on all counts.

As I said at the beginning of this speech, the bills before the House today attempt to facilitate a partnership approach. How could some Aboriginal consultative councils say in a press release—

The enactment of these laws will reduce our image to one of a draconian society.

I am concerned about the level of self-interest in the Aboriginal consultative councils, in particular the three that have been mentioned in this press release. I have long understood that self-interest has to be removed from the equation if we are to find the common good. Socrates said that the more self-interested we are, the less likely we are to reach decisions that will impact on us in a good way. I therefore plead, implore and urge the three Aboriginal consultative councils that are seeking to use the courts to throw out these bills to face the music and fully cooperate with this legislation.

These Aboriginal consultative councils in opposition should not think liberty is doing what you want to do. It is more than that; it is also power to choose things and change them. That is the fundamental issue. I will repeat that. When we talk about freedoms and the right to make choices, we should also understand that among those choices is the power to choose things that will actually make some changes to the horrific sequence of alcoholism and abuse. I have seen that abuse in the neglect of children who are on the streets chroming and who end up in juvenile courts and in correction centres. We have to break that cycle.

I commend the minister for this piece of legislation which requires this partnership with indigenous communities to make it work. We need to have some level of goodwill. Aldous Huxley once said that we have the extraordinary capacity as people to do extraordinary things. All we require is a level of intelligence and a level of cooperation and goodwill, and I ask people in the Aboriginal communities to look intelligently at what has been presented to them and to find that they have the goodwill to cooperate. With that I hope we can change this unacceptable cycle of alcoholism and violence. I commend the bill to the House.

Mr PEARCE (Fitzroy—ALP) (10.04 p.m.): I appreciate the opportunity to contribute to the debate on the bills now before the parliament. The Indigenous Communities Liquor Licences Bill and the Community Services Legislation Amendment Bill are complementary pieces of legislation that are important to the state government's commitment to tackling alcohol related issues in indigenous communities. There have already been a number of speakers on the legislation, with some magnificent contributions from members on this side of the House and some worthwhile contributions from those on the other side of the House, and we appreciate the support they are giving to the two bills. Support for the bills from both sides of the House is recognition of the need for an effective legislative regime that will deliver real opportunities for Aboriginal communities to put in place alcohol management practices which ensure that access to alcohol is managed in accordance with the wishes of the community.

My contribution to this debate will focus on several key areas: the Aboriginal community of Woorabinda, a community located in the Fitzroy electorate, and why there is a need for government to introduce the legislation. I will also comment on the recent visit to Woorabinda by the minister and discussions that took place there with community leaders, and the results of a survey carried out several years ago in Woorabinda and how they reflect the intent of the legislation now before the parliament. I will also touch on some key aspects of the legislation and the commonsense outcomes that will flow from giving the people the power to determine for themselves the management of alcohol access in the communities in which they live.

I will start by saying I am not an expert on alcohol and substance abuse. I know it exists in Woorabinda and that for the people of that community it is a serious problem, but it would be morally wrong for me to stand in this place and attempt to compare what is happening in Woorabinda with what is happening in the Cape York communities because I do not know what is happening up there and I have no personal experience of it. It should be pointed out that at this time there is no licensed alcohol outlet in Woorabinda. However, I am aware that there is a reliable sly grog industry which ensures that alcohol in large volumes is finding its way into the homes of Woorabinda people.

First I will tell members of the House a little bit about the history of Woorabinda. The word itself is an Aboriginal word meaning the place where the kangaroo sits down. The town itself is a deed of grant in trust (DOGIT) community located 172 kilometres south-west of Rockhampton with a population of about 1,200 to 1,400 people. The history of the town dates back to 1927, when Aboriginal people from the Taroom Mission Reserve—most people would know where Taroom is—were rounded up and walked like cattle to where Woorabinda now stands as a community. They were forced from their land to make way for the construction of a dam on the Dawson River. Here we are 75 years later and that dam is still under consideration. That is appalling.

The clans from Taroom were later joined by several hundred families from Hope Vale. While Woorabinda lies within the traditional Wadja Wadja country, most of the traditional owners were moved to other reserves prior to the town being established. Those people were moved away from there and other clans were brought in. Woorabinda served as a dumping ground for Aboriginals from throughout the state, and residents can therefore claim heritage to many different clans.

Why has it been necessary for government to introduce legislation that is about the management of alcohol in Aboriginal communities like Woorabinda? The answers lie in two important documents: the Aboriginal and Torres Strait Islander Women's Task Force on Violence

Report and the Cape York Justice Study. The latter report contains some 60 pages of statistics about Cape York communities, such as statistics on mortality and suicide, hospital admissions for assault and injury, offences against a person, offences related to high levels of alcohol and drugs, indigenous people in custody, children and sexual abuse, and education and employment. The Fitzgerald report on alcohol abuse and violence in Cape York indigenous communities tells a story that is nothing short of tragic and one to which a responsible government is obliged to respond.

The women's task force report is another significant document that should be read not only by all members of this House but also by all members of the community. While I have not read the whole report in detail, I have read enough to make me realise that as a member in this place I know nothing about the way of life in indigenous communities. I was touched by the personal quotes from women about the trauma of assault, rape and outright abuse, and the sense of hopelessness where violence, sexual abuse of children, sickness and death are part of everyday life for people who have done nothing wrong except to be introduced to alcohol.

Tony Fitzgerald summed it up well in his report when he wrote that 'massive alcohol consumption has virtually become the norm'. Violence is 'all-pervasive', with injury patterns 'clearly related to the cycle of Commonwealth Development Employment Program and Social Security payments', and alcohol is 'deeply implicated'. The current operations of the justice system only 'make things worse'. In general, people's lives are 'ravaged by tragedy, poverty, alcohol and other substance abuse, violence and poor health'. Communities 'traumatised by past events and present circumstances' are unable to deal with the crisis. But as the problems are 'complex, difficult and deeply entrenched', the options available to save these communities are in fact 'very limited'.

There is no doubt that the situation in indigenous communities is heartbreaking. Those who live in those communities have to live with the consequences of alcohol every day. They see every day what alcohol is doing to their brothers and their sisters, and they know how bad it is. They want to do something about it, and that is what this legislation before the House is all about. It is about giving people the power to take control and to make decisions about the management of alcohol in their communities. It is for this reason that I wholeheartedly and strongly support the government's resolve to work with communities to address the scourge that is alcohol.

Late last month the minister visited Woorabinda to open the new council building. During her visit she took advantage of the opportunity to speak with elected council representatives and with members of the local community justice group. It was obvious to both the minister and me that the community members were keen to learn about and make comment on the legislation. To her credit the minister listened intently and her response was frank. She did everything she could to make sure that the community understood what the legislation was all about.

There was certainly support for the intent of the legislation but a feeling that the control and management of alcohol had to be linked to a strategy directed at dealing with the unemployment issue if there are to be ongoing beneficial outcomes. I see that as a reasonable expectation, given that no work leads to boredom and the search for an activity to fill the void. Those community members we spoke with expressed some confusion over the role of the community justice group and the community canteen management board. Another matter to come out of the meeting was the involvement of the council in determining the future of alcohol availability through licensed premises. While it was considered appropriate for a council nominee to be part of the community justice group, there was strong support for the canteen management board to be free of direct council involvement. The feeling that no councillor should be a member of the board was very strong. I strongly support the minister on this point, because the future of alcohol management in Woorabinda should be in the hands of the community—those people who are the victims of previously unsuccessful alcohol management practices.

As we all know, Aboriginal people advocate self-determination. Government is giving them the opportunity, with legislative support, to take control of alcohol management in their communities. Government will review the process in three years' time. If the communities cannot address the problems through a cooperative and commonsense reform, then government will do it through legislation. I know that is a strong line to take and people are a little offended by it, but alcohol and alcohol related problems must be brought under control. I say: give the people the chance to do it their way. If it does not work out, then we owe it to the victims of those communities to step in and do it for them.

If a licence is recommended for a community, the people of that community must have the opportunity to set the ground rules. The community can do this through its community justice

group by determining for recommendations to the Liquor Licensing Division such matters as trading hours, types of alcohol to be sold, quantities, declared dry areas and rules. We learned through our discussions that Woorabinda council members reluctantly accepted that the council would be free from the responsibilities of holding a liquor licence but appreciated that they will be the beneficiaries of the canteen profits which will be directed back into services and infrastructure for the benefit of the community. I like this. I think it is good, because this structure is accountable and leaves the council without the ability to make decisions about alcohol management based on the council's need to generate profits.

Community justice groups will have no control over how those profits are expended but will be able to make recommendations to council on how moneys might be expended in ways that benefit the community—for example, alcohol abuse programs, training and infrastructure. This is sensible. It is a commonsense approach. The groups should be at arm's length from the management of the profits. Otherwise they could be seen to be profit motivated, which means that alcohol problems are not being addressed.

What I found interesting was the information gathered during a survey undertaken several years ago on the alcohol outlet the Mimosa Club, commonly referred to as the pub. The results of the survey suggested at the time that the community wanted more say in how alcohol was managed. The Mimosa Club has been closed for almost two years now as a result of poor management and theft, which caused it to be running at a loss. The pub closure has encouraged the development of a sly grog market, operated by persons within the community as well as from outside. Sly groggers are people without a conscience who charge exorbitant prices. A good example of what is happening out there at the moment is a $10 flagon being sold for $30 cash, but if you want to book it up you can have it for $40. It is so important to have in the legislative powers to deal with those low-lifes who put their own personal greed ahead of the health and welfare of the Woorabinda people.

The survey results I mentioned reflect on the intent of the legislation. For example, there is strong support for responsible hosting, where pub management and staff are expected to ensure that people are safe, that there are rules, that those rules are enforced, that there is food available and that the place is safe. It is interesting to note that the survey resulted from door knocking and talking to the elders in the community. I thought it was a pretty comprehensive survey of the people of Woorabinda and what they thought.

It is very interesting to note that 96 per cent of those who contributed to the survey wanted refusal of service to drinkers who had had enough. Ninety-five per cent supported the right of refusal of entry to intoxicated persons. Ninety-five per cent supported enforcement of the policy to remove persons who fight, threaten or vandalise. There was 93 per cent support for staff to be trained in safe drinking practices for customers. There was also strong support for better policing of the pub environment by security staff, community police and state police. Only a handful of people suggested longer trading hours, with others noting that there was less behavioural problems when trading hours were shortened. There was also very strong community support for pub profits to be put back into improving the pub facilities and to be directed towards safety, community projects, alcohol rehabilitation, housing and helping the younger generation. All of this came from the community itself and is an endorsement of the process being put in place by the legislation we are debating here today.

This legislation is about Aboriginal people determining for themselves the way they want their community to manage the availability of alcohol. Community justice groups will be the major stakeholders in the structure that will follow as a result of the legislation before us today. Community justice groups have been operating in many communities for a number of years and they have been doing an excellent job. The values and strengths of these groups are that they are comprised of community elders and other concerned people who are determined to ensure that their people are kept out of the criminal justice system. Because of their make-up, these groups are best placed to provide leadership to the community in tackling alcohol related problems. Why? Because they are more likely to have the respect of the community because of their cultural connection! It is well known and accepted that community justice groups have played a vital role in nurturing the indigenous communities to which they belong by restoring authority and respect for traditional values and applying those values to contemporary problems, encouraging respect for individuals, families and community and instilling in young people an understanding of customary roles and responsibilities. Whilst there is already a community justice group in Woorabinda, like many other such groups it has no legal standing and therefore lacks authority.

The legislation before us today will provide existing groups with a legislative footing as well as allowing for the establishment of new community justice groups in communities where none currently exist. Community justice groups established under this legislation will have a number of powers and functions. They will be able to declare dry places in a community—that is alcohol-free areas within the community such as streets, parks and buildings. I think that will be one of the most important steps that the legislation will allow. The groups may, at the request of the people, declare the community locality as a dry area. It will be up to the community to decide that. The group will be able to recommend how a licensed premises should be run and recommend what controls can be implemented on bringing alcohol into the community.

An issue has been brought to my attention which this parliament would probably have to look at in the future. However, it will get back to the community making a decision about it anyway. This occurs particularly in country areas if we are heading off to one of the regional cities. The next door neighbour might say, 'Look, can you grab me half a dozen cartons of Fourex and a couple of bottles of rum and bring them back home for me?' If a police officer pulled these people up while they are carrying an enormous amount of alcohol they might be accused of being involved in sly grogging. It will be a matter for the communities to decide how they are going to handle those types of issues.

The community justice groups will continue to carry out their functions in addressing justice issues through such means as providing sentencing advice to the courts, mediating in conflicts and dealing with minor offenders. The things that they have already been doing will still be there, but they will have legislative powers to make sure that they have these things in force. They will be able to carry out other powers given to them under council by-laws—and so they should!

One of the real strengths of this legislation is that it gives these groups the power to have influence during the process of approval of a liquor licence for the community which insists on certain alcohol management practices being met before and after a licence is granted. This is the community making decisions and having input as to how the licence should be issued, and then making sure that the ground rules that they set are enforced.

The Indigenous Communities Liquor Licences Bill comprises the second part of the government's reform agenda to address alcohol abuse and violence in remote Aboriginal and Torres Strait Islander communities. This bill introduces fundamental reforms in the management of licensed premises in remote indigenous communities. It provides for the implementation of controls on the amount of alcohol brought into indigenous communities. It enhances the powers of liquor licensing authorities to impose conditions on licensed premises in an effort to minimise alcohol-related disturbances and public disorder.

This is good legislation. I congratulate the minister. I know it has been a difficult task to get to where we are today. It is not an easy task for the minister and I think she is to be admired and deserves the respect of this place. I am very pleased to know that the minister is receiving support from both sides of the parliament. I commend the bill to the House.

Ms NELSON-CARR (Mundingburra—ALP) (10.24 p.m.): I also rise in support of the Community Services Legislation Amendment Bill and the Indigenous Communities Liquor Licences Bill. These cognate bills address the tragedy which has continued to unfold in remote indigenous communities in Queensland. But, this is a national tragedy which is a direct result of indigenous disenfranchisement, loss of culture and, of course, the stolen generation.

Today, we are doing something about it. I join with the member for Fitzroy in congratulating the minister on the work that she has done in this area. It has been a very courageous effort in the face of adversity much of the time. In partnership with the members of these communities we will tackle the problems of violence and abuse which result from alcoholism. But what exactly is alcoholism? I think it is one of those terms which is bandied around but which is difficult to define. Alcoholism is a disease and, put very simply, disease means dis-ease. We have this perception that alcoholics are skid row bums who live in gutters or at the botanical gardens and we see them lining up in the mornings.

Earlier today the member for Ipswich was referring to this matter. Aborigines in Aboriginal communities drink far less than people in mainstream communities. In mainstream communities alcohol is used to commiserate, to celebrate and for all forms of entertainment. It is accepted, it is legal and it is available. If we look at an ordinary family where alcohol may be a problem—and this is without the dire consequences that people in Aboriginal communities are experiencing—when they close the door at night it is a dysfunctional family. Alcoholism affects so many families. What happens is that those with the drinking problem become street angels and house devils. The

dysfunction that occurs inside those families is incredible. Very often the people who are alcoholics hold down a good job, they have never been arrested and have never been in trouble with the police. However, when they are drinking they change personality and become a tyrant in their own homes.

I was recently at a function where I was sitting at a table and there was a woman sitting next to me and on her other side was her partner. He was paralytically drunk. His head was falling into his meal. He could not take part in the conversation. The man on my other side was not drinking at all. As the drinks came round and he was asked if he wanted an alcoholic beverage he said, 'No thanks.' The woman sitting next to me said, 'Don't you drink?' He said, 'No, I don't.' She said, 'Why don't you drink?' Meanwhile, her husband's head had fallen into the soup. She said, 'Why don't you drink?' He said, 'I'm an alcoholic.' She said, 'Are you a real alcoholic? I used to know an alcoholic once.' Meanwhile, her husband, who really epitomised what the term 'alcoholic' is, is able to keep on drinking and avoid what we all have to face in defining what is an alcoholic.

The effect of alcoholics on families is absolutely dire. Look at the children. Let us say the alcoholic has three children. It often falls into a pattern. The first child will be conscientious, willing to please, working very hard and doing all the rights things. The second child will often be the attention-seeking child who will get into trouble constantly from the time the child starts school. The third child will be the baby who does all the little pantomime acts to make everybody love them. That can happen in families where alcoholism is not a problem, but in many alcoholic families that is a pattern or a tradition.

Meanwhile, the partner of the alcoholic is the one who has serious dysfunction. The partner is usually angry, non-communicative, bitter, resentful and obsessive. They often cover up for their drinking partner, particularly where it is drinking that is going unnoticed in the community. They will prop them up and make excuses. They are often very fearful. They are over-protective of their children and very defensive. They perpetuate the drinking person. Drinkers with a chronic drinking problem usually love their families, but the dysfunction is really dreadful. For every alcoholic there is at least a minimum of five other people who will be affected. The chances are that the familial aspects make it a certainty that the problem will be manifested down the family chain. So put simply, alcoholism is drinking that does not stop, even though the life of the drinker is out of control and falling apart. Put in its most basic terms, alcoholism is drinking when it costs more than money. The only way to become a sober alcoholic is to stop drinking.

This legislation is about protecting women and children from the extreme forms of alcoholism—extreme forms of alcoholism in remote Aboriginal communities. The statistics are pretty frightening. So there has to be some degree of compulsion. People in indigenous communities die 20 years younger than do the rest of the population. Alcohol is the key factor. Death rates attributed to alcohol are over 21 times the general Queensland rate and death rates from homicide and violence, much of which is alcohol related, are 18 times the Queensland average. Alcohol abuse in its worst form will affect everyone. Children are sexually abused, babies are born with foetal alcohol syndrome, women are 45 times more likely to be the victims of domestic violence than are non-indigenous women, families go without food, and malnutrition and theft are often the result. Urgent action is needed, but it is a very difficult challenge.

This government is committed to the principles of self-determination and partnership. These bills recognise that the key to successfully tackling alcohol abuse is to empower members of indigenous communities themselves to confront the problem and for government to provide support to these people in a relationship based on partnership. Once again, I would like to congratulate the minister on the work that she has done in this area. I commend the minister and the bills.

Ms STRUTHERS (Algester—ALP) (10.31 p.m.): As members in this House, none of us can truly speak for others. We experience life and life's problems differently. We can try to step into the shoes of others, but ultimately we must seek to understand and support actions that are humane and are genuinely for the collective good. I firmly believe that the legislative package and the 10-year partnership process to better coordinate services on indigenous communities and to promote economic and self-determination are very important initiatives that this government has put in place over the past year or so. There are knockers. I know that a lot of people are saying, 'This is taking power out of their hands.' But I would say to the minister—and I am sure that she is well aware of this—that there are far more people who are desperately supporting these initiatives and who are wanting to see them given full effect. I ask the minister to be encouraged by that.

I think that the minister, departmental officers and many indigenous people around the state have put a lot of energy into these bills, have invested a lot of time and have put a lot of thought into these actions, and I certainly hope that they receive the support that they deserve. Like other members in this House, I am encouraged by the bipartisan support for these bills. This package of reforms deserves that and will only be successful with that.

For a long time many people around the state—and I have worked with many Aboriginal people, mainly in the Northern Territory—have been concerned that the planes have been flying into the communities, the four-wheel drives have been lining up and different departmental officers full of goodwill and ideas have stepped onto the red dust hoping for change, trying to negotiate and talking through changes. But sadly, a lot of this has led to disappointment for people and the violence and oppression has continued.

The 10-year partnership plan and the legislative framework that these bills provide now offer a new and very important impetus for all people involved, black and white, to draw on all of their courage and good sense to end the violence. These bills provide unprecedented legislative backing for decisive action to be taken. The key to the strategy, Working Well, will be how well the community justice groups can operate on communities and come up with individual solutions for those communities.

I think that it is very important that community justice groups have those increased powers and that there is increased value placed on their work. For a number of years now community justice groups have had an outstanding record, recognised both nationally and within the state, for their work on crime prevention broadly. It is important that they are well resourced and well supported on individual communities to come up with action suitable for those individual communities. My hope is that the community justice groups are not hijacked by vested interests who want to derail this process. If that occurs, that would be tragic for this whole process. That sort of action will need to be monitored closely on each community and, hopefully, the right sort of people will take up the responsibilities on the community justice group and make sure that the right sorts of actions occur.

I am very encouraged by what the minister is trying to achieve. I am pleased to see that there is a lot of support across this chamber for these reforms. I welcome their implementation and trust that they will end the violence around the state.

Ms LEE LONG (Tablelands—ONP) (10.35 p.m.): I rise to support the Community Services Legislation Amendment Bill and the Indigenous Communities Liquor Licences Bill 2002. These bills are aimed at helping to battle the impact that alcohol abuse is having on communities in Cape York Peninsula and other communities across the state. It is a very serious and pressing problem in those communities and, unfortunately, has become at least partially enmeshed in a whole raft of competing ideologies. I think at times those arguments have completely overshadowed the urgent essential issue of reducing the violence and destruction of the lives of families, of property and of community spirit that plague these communities.

I know that this legislation is focused very much on the cape, but not only the cape. That area has very serious issues confronting its residents, which have been well known and long discussed over many years. It is pleasing to see that some positive action is being taken at long last. I would like to describe some activities that are under way in my electorate, which borders the cape, to enhance the community's capacity to respond to and assist in circumstances where alcohol abuse is a problem. In particular, I would like to speak about the Atherton Tableland Area Partnership. This partnership came about following a visit to my office by a respected member of the indigenous community, Mr George Saveka. Mr Saveka has a long history of involvement in matters of indigenous health. His conversation with me in this instance was prompted by the creation of a federal funding stream aimed at addressing alcohol and other illicit drug related issues. I recognised his vision on this matter. As he described it in the early days of ATAP—

> Alcohol and drugs do not have any barriers. This concerns us as one people up on the Tablelands.

I was delighted to facilitate gatherings of community health service providers to explore ways of addressing these matters. I would like to say that I am proud of the way in which these organisations have gathered together under the umbrella of what is now called the Atherton Tableland Area Partnership.

Since their first meeting early this year, the partnership has focused on clarifying the gaps between the various services that they offer and then identifying which of those gaps are in the most urgent need of attention. Those needs have been addressed in a very detailed and, may I say, strong application for funding to the federal Alcohol Education and Rehabilitation

Foundation. This application has been made by one member of the partnership, the Tableland Alcohol and Drugs Service, in close cooperation with the Mareeba Information and Support Centre and the Mamu Medical Service. If successful, services would be provided through all three organisations.

It is a good and clear example of the readiness of partnership members to work together with the aim of producing the greatest possible benefit for the community. I would like to be able to say that this application has been successful, but it is still being assessed. I hope that it is successful as it will make a marked difference to the tableland community's ability to manage the abuse of alcohol and illicit drugs.

The partnership describes itself as a cooperative coalition of human service organisations operating in the tableland area. It recognises that the best, most efficient service delivery can be achieved only by a cooperative approach with strong levels of interorganisational consultation, clearly identifying both areas of individual service provider need and significant gaps between services. The partnership activities already undertaken, including a series of meetings involving area wide representation from both agency and government participants, have placed ATAP on a strong footing to encourage a coordinated, region wide, service wide approach to addressing alcohol and other substance abuse problems in this region. ATAP also believes that it is important to access the existing skills base and especially the local knowledge of residents in existing service provider organisations to ensure both the most focused targeting of activities and the greatest efficiencies in delivery.

A significant region-wide factor in this area which has become evident is the role a number of tableland service providers play in addressing broad and even regional needs. This is through, in the first instance, the use of the tableland as a refuge both for those in the major urban area of Cairns and also for those from more remote communities across far-north Queensland such as the cape, the gulf areas and the remote west. In the second instance, there is at least one tableland organisation, a residential facility, which has an Australiawide clientele. The partnership has already identified further areas in need of action and is now working towards a result in those areas. I would like to recognise the input local representatives of government departments have had in the development of this partnership. There have so far been some 13 different service providers which have had an opportunity for input in the Atherton Tableland Area Partnership. I know that invitations are being sent to others to have input as well. It is an example, I believe, of a real community based attempt to deal with these problems.

In relation to the Community Services Legislation Amendment Bill 2002, I believe that recent disputes about who should control what should come a very clear second to stopping the violence. In my mind no-one has the right to alcohol or excessive levels of alcohol which is greater than someone else's right to a life free of violence, the threat of violence or other abuse. Therefore, I am very happy to see provision in this bill for the creation of dry areas. I support that provision and encourage communities to use it with vigour. I do not accept that all rights are equal. As I said, I believe the right of a community to a reasonable level of peace and the right of individuals to a life safe from frequent violence are, frankly, far more important than a right of access to alcohol if that access destroys those other rights. I am not saying that alcohol should be banned completely; I am saying that it is callous to spend time arguing about that when every day which passes is another day of despair for so many. I trust this bill will provide the communities with the tools to deal with this problem and I call on the government to be ready to act again if necessary. I commend the bill to the House.

Mr NEIL ROBERTS (Nudgee—ALP) (10.42 p.m.): This is one of those uncomfortable but necessary moments in law making. Usually we are focusing our laws on the behavioural problems of individuals. But in this instance we are focusing essentially on the behavioural problems which are endemic across entire communities, particularly in areas such as Cape York. Additionally, we are passing judgment on fellow Australians who live in these communities and passing laws which would not ever be considered in the suburban areas of Brisbane or indeed in most other cities and towns throughout Queensland. But, as has been pointed out by many speakers in this debate, we are in fact facing a crisis in many of these Aboriginal communities.

Recently, I took the opportunity to visit a number of Aboriginal communities in Cape York. Whereas I really only scratched the surface compared to the experience of many people who have lived and worked in these communities for many years, the problems confronting them are self-evident. Quite frankly, they hit you in the face as soon as you arrive. One of the issues which struck me was the lack of visible economic activity. That is a major issue which underpins a lot of the problems that these communities face. Additionally, particularly at night-time and on paydays,

the issue of alcohol abuse is just so visible and evident. One of the first buildings I was confronted with in two of these communities—and I visited four, so I cannot speak for the lot—was the women's shelter, the only refuge that many women and children have from the violence, a lot of it driven by alcohol abuse. It is really a sad reflection on how demoralised many of these communities have become.

It is true that in fact many of the problems faced by the people in these communities are faced by many other people within Queensland, both black and white, who are dispersed throughout the suburbs of Brisbane and indeed other towns. The difference here, of course, is that the significant disadvantage and the problems are concentrated into relatively small and isolated communities. That presents a unique problem which requires a unique response. Something has to be done. Alcoholism, the chronic problems of domestic violence, sexual abuse of women and children, housing shortages and unemployment are crippling these communities. Some people have argued that the approach in this bill is paternalistic. In my view, that is not true. The control of the canteens and the power over alcohol use will be retained by the new community justice groups and the community liquor licensing boards established by the legislation. There is an opportunity, if it is embraced by these communities, for active involvement and community control over the issues which the legislation addresses.

Whereas I support this legislation and applaud the minister for the initiative, I do have reservations about whether it goes far enough and whether it in fact will in the end be successful. I certainly hope so. Already there are strong indications of opposition from key players in what I would hope would be the success of this legislation. As the member for Ashgrove pointed out, groups such as the ACC have already expressed strong opposition. I also question the capacity of some of these communities to engage in active support and implementation of the laws that we will be providing them with. I am certainly prepared to give it a go. In the end, we will have to rely on the community justice groups and the support of the wider community to take and make the hard decisions required to address these significant problems. If it does not work—and I understand that this matter will be reviewed in a few years—tougher action may need to be taken. That may well include the need to declare these communities dry. It may in fact be the only way to enable them to start rebuilding their economic, social and cultural institutions and the family structures so important to their survival.

Some of the key features in the bill are the creation of the new community liquor licence boards to hold the general liquor licences in the communities. Those boards must act on the advice of the community justice groups. As pointed out, the profits will still be retained by the communities and paid to the councils. The bill will create and formally recognise community justice groups with powers to recommend controls over the operation of community canteens. They also have influence over the declaration of dry areas where alcohol or drunkenness is prohibited. Many of those community justice groups exist already in some communities and involve local people. With the support of the local communities, there should at least be an opportunity to start to address some of the problems that exist. The bill also provides power to control the amount of alcohol brought into a community. Regulations can set limits on the amount that can be carried by individuals, which should be a useful tool to combat the increasing problem of sly grogging. Police also have powers to search vehicles to ensure compliance. The chief executive of liquor licensing also has powers to impose conditions on licensed premises, for example, prohibiting the sale of wine in large casks.

There are a number of issues that arise out of these provisions. One which has been mentioned by a number of speakers is the issue of sly grogging. Again from my visit to Cape York, there is a lot of anecdotal evidence that sly grogging is a major problem in many communities. It was suggested to me that, even in areas where the availability of hard liquor, spirits and wine casks is limited, the roadhouses nearby are the major sources of supply. The enforcement of liquor licensing laws in this area has been a major problem. However, the bill contains some tough penalties to address this issue. If they are enforced, they should at least start to help address the very significant problem of the supply of unwanted alcohol into many of these communities.

The removal of alcohol alone is not going to solve the problems, although I do feel that at some stage that may need to occur. One of the significant issues brought to my attention is a fear in some communities that if alcohol—beer in particular—or the source of supply in the canteen is turned off, it would be replaced with the use of other easily accessible drugs, such as marijuana, which as I understand it is readily available in increasing supplies in many areas of the cape. If we take that step, even in those communities that take it voluntarily, we will need to

ensure that alcohol is not replaced with these other drugs, particularly marijuana. Education programs will be needed to support these communities. We will need additional resources to support them to make that transition from alcohol dependence.

Mr Flynn: We need to attack the cause of why they drink and take marijuana.

Mr NEIL ROBERTS: That is correct. Another issue came to my attention in the limited time that I had to speak to people. I took the opportunity to talk to as many people as possible over the few days that I was in the cape. I believe there is a lot of support in these communities to restrict the supply of alcohol, particularly from women and children. In fact, one very prominent council officer privately admitted to me, after I met with him in a formal sense, that personally he would support the closure of the local canteen. However, that was not the public position being adopted by the council. I think it is significant that people in this particular person's position—a very influential position in a local community—and also many women are very open about their desire to have these canteens closed. There is a lot of evidence about the benefits of dry communities. There are certainly problems created. But where dry communities exist there is evidence that there are lower casualty rates at local clinics, kids start turning up to school a bit more often and the communities are a lot quieter at night-time. I experienced some noise and activity when I stayed in one particular community at night.

I was advised that there are some dry communities that one person I spoke to visited in the Northern Territory that were noticeably different in appearance. They were very clean and people were leading relatively quiet lifestyles. It was true that at the boundary gates of this particular community there were lots of beer cans; people left the cans at the boundary. But within the community itself women and children led relatively safe and fulfilling lives. I think that is a significant issue. If we can create safe homes in many of these communities, that is a first step towards their rehabilitation.

Despite all of the negativity and hopelessness in many of these communities, it is not all bad. I did witness a number of shining lights and good examples of where communities are taking positive steps to rehabilitate themselves. For example, in Lockhart River I spoke to the local school principal, who said that a local indigenous young lady was currently studying teaching and there is a very strong hope that she will return to that community to teach at the local school. Of course, at Lockhart River, again, artwork is a significant activity and provides an opportunity for quite a significant industry to be created there.

Dealing with the issue of alcohol abuse is really just one facet of rebuilding the cape and other communities throughout Queensland. We also need to be focusing our strategies and attention on rebuilding the cultural, economic and social life of these communities. We need to save the current generation of young people in particular. Many people argue that we may in fact have lost one or two generations; we cannot afford to lose the current generation of young people. I believe and hope that this legislation is a positive first step towards achieving some good outcomes for these communities. I hope it works. I applaud the minister on her initiative in moving forward on this issue, and I commend the bill to the House.

Mr SHINE (Toowoomba North—ALP) (10.54 p.m.): It is a pleasure to take part in this debate because of its significance. In my term in this House this is potentially one of the most socially significant advances in social justice legislation that I have noticed. It is great to see the support that this reforming legislation has in this place. I congratulate the minister and her department on the important work that has been done in the lead-up to bringing it into this place today. I congratulate the opposition and non-government parties on their bipartisan support for the legislation. I think that sends a very positive message to the indigenous people of Queensland. I hope it does.

The standard of debate has been very impressive. I feel inadequate in terms of my contribution based on what I have heard today and also in Townsville. Some members were most sincere and some very knowledgeable. Almost all spoke with compassion. Some had expertise in terms of their knowledge of the Aboriginal communities in the cape particularly—Aboriginal culture, the problems of Aboriginal drinking and knowledge of the disease of alcoholism generally, whether it be with respect to Aborigines or others.

The main reforms are set out in the research paper. Briefly, they include transferring liquor licences from councils to community based community canteen management boards, providing for the declaration of restricted areas for the purpose of minimising harm caused by alcohol, and minimising alcohol related disturbances, imposing strict conditions on hotels and roadhouses near indigenous communities, strengthening and expanding community justice groups, or CJGs, and

providing for the first time legislative backing and protection and providing legislative power for CJGs to declare dry places within community areas to control the possession and consumption of alcohol.

These reforms follow on the very significant work carried out by Justice Tony Fitzgerald in his Cape York Justice Study. This study demonstrated, sadly, the connection between violence and injury and alcohol consumption. An example was given: the incidence of those socially unacceptable behaviours on paydays as opposed to Sundays, when the canteens were shut. Poor health was another indication. This phenomenon has grown since the eighties, when the canteens were established. Another factor has been the direct payment of social welfare benefits to the people of those communities. Foetal alcohol syndrome in infants due to maternal alcohol consumption, violence, abuse and neglect of children—this is the most vulnerable group, according to the submission of the Commission for Children and Young People. It states that it needs a high level of resources to provide security for the children at risk.

Unfortunately, many people in these communities suffer double afflictions in the sense that they have developed psychiatric as well as alcohol abuse problems. At the moment, there are few services available or availed of. Finally, substance abuse is resulting in low incomes and low participation rates in the work force, for obvious reasons. The picture painted by Fitzgerald in his study is a bleak one. I do not think it comes as any surprise to anyone who has any knowledge of those matters.

A number of suggestions as to how to address the most serious problems have been made by the Cape York Justice Study. They are to attempt to control the supply and availability of alcohol, particularly as it relates to sly grogging; through education and advertising support programs which attempt to change the culture of drinking to lessen the demand for grog; the provision of harm reduction measures, for example safe houses for women and children; and the provision of detoxification programs and rehabilitation facilities.

Before I conclude, I want to mention some aspects of the problem of the Aboriginal community in Toowoomba. My friend and colleague from Cairns indicated in quite some depth the problems that have occurred in that city in recent times. In Toowoomba the Aboriginal population is about four per cent to six per cent of the population of Toowoomba city. However, none of them, as I am informed, have originated from Toowoomba. They are not natives in the sense of coming from the Toowoomba area. They come from different tribes and different places all over south and western Queensland and many come from northern New South Wales. So there are obviously areas where they are not compatible. Many clashes occur from time to time, particularly in relation to football matches, which ignite the passions. This disunity and lack of a common approach to the problem is one of the difficulties that those who wish to do something for the Aboriginal people face, particularly the many fine Aboriginal people I know in Toowoomba who want to try to tackle the problems facing the community in general and the youth in particular. One of the big problems is this disparate nature of the groupings there. I commend Mr Jim Hagan, a senior elder in Toowoomba, for the work he has done over many years trying to confront these sorts of problems.

The two areas that are mostly significant in my electorate relate to Aboriginal juvenile crime and how to combat that in positive ways. Sergeant Crisp of the Toowoomba police is trying with my assistance to form a partnership with the Department of Housing and the Department of Families to set up a drop-in centre for Aboriginal youth in the Wine Estate. We hope that one day we might be successful in setting up a community centre for these young people. Then there is the problem of Aboriginal homelessness. Only last Friday morning when our electorate office opened there was an Aboriginal couple with one or two children. They had been out all night because they had not been able to find accommodation. Their relatives already had about 14 people staying at their house. They had come from the west and had not paid their housing commission rent in the past and were in a desperate situation. This unfortunately was not an odd occurrence. It happens more often than not, possibly in this instance because of alcohol abuse. However, it does not matter what the reason; it remains a problem that the minister is very concerned about, as is the Minister for Housing.

Finally, I commend the police in Toowoomba and particularly the Aboriginal liaison officers, who do a sterling job; the magistrates, who often come under criticism for the penalties that they do or do not impose; the departments of Housing and Families; the community charitable groups like Lifeline and St Vincent de Paul; the schools and the teachers in those schools; and, finally, some very notable Aboriginal people in Toowoomba who, as I said before, work so hard and in a dedicated fashion for the good of their people.

Ms PHILLIPS (Thuringowa—ALP) (11.04 p.m.): I rise to congratulate the minister and her department for the Community Services Legislation Amendment Bill and the Indigenous Communities Liquor Licences Bill. While this legislation had its genesis in the Cape York Justice Study presented to parliament last November, it has become this government's response to the interrelated problems of alcohol and violence in other Aboriginal communities as well, and it will hopefully have effects even beyond them. It is indisputable that alcohol has become the scourge of Aboriginal peoples. It sucks dry the family's income. It renders unemployable many breadwinners. It makes invalids out of healthy young adults. It introduces violence, abuse and even murder into their homes. Many Aboriginal people have taken to the demon drink to block out the reality of their lives—living in inadequate housing, shunned by white man's society, struggling to access schooling and unable to find jobs. No wonder many have sought solace in grog.

Over the years dependence on alcohol has become an epidemic and its addiction is rife. Well-meaning white people and desperate indigenous people have tried in vain to find answers to this insidious problem. Very few programs have been proved effective in combating this disease. That is why this government has bitten the bullet and introduced this groundbreaking legislation—legislation which provides for the transfer of liquor licences, the declaration of restricted areas and strict conditions for hotels and also strengthens the power of community justice groups, providing them with legislative power. Some critics have said that the bills are paternalistic, that they direct communities to impose restrictions, but I see them as giving support to communities as they struggle to come to terms with these issues.

The nearest indigenous community to my electorate of Thuringowa is Palm Island, which is just off the coast, but it might as well be a thousand kilometres away. I first visited Palm Island in 1976 when I worked for Townsville General Hospital and established a monthly visiting service there for parents of children hospitalised in the children's ward at TGH. Very sick children were transferred from Palm Island to hospital, but when they recovered the hospital was regularly unable to contact the parents back on the island. Many of these children were taken into care and institutionalised. When I visited Palm Island I discovered that there was one private telephone, and this was in the white administrator's office, and one public phone that was constantly out of order. No wonder the parents had lost contact with their children. Because of the very patriarchal culture at the time, they most often accepted the fate that when their children got sick and were taken to Townsville they would never see them again. This is not some fantastic tale of generations ago; this was happening less than 30 years ago.

In many respects, Palm Island has progressed in leaps and bounds from those days, but it is dogged by the plague of alcohol abuse and the violence that accompanies it. Recently, some women on Palm Island asked the council to ban the bringing in of wine and spirits and they have reported a significant decrease in crime and violence and an increase in food being bought from the store. This is the desired effect that this legislation is seeking. While it imposes restrictions on drinkers, its aim is as much to protect the innocent victims—the women who are constantly beaten and raped and the children who are abused, neglected and undernourished. I am proud that the government I am part of is prepared to stand up for these victims.

In reply to the critics, yes, everyone should have access to certain rights, but I do not believe there is any justification for someone to drink until they are nearly unconscious but still be able to abuse their family who try to care for them, nor do I believe that sly groggers have rights to steal, to hang around outside Centrelink or the bank waiting to grab the money from people who are dependent on them for their supply of alcohol. While, as I have said, I do not have an Aboriginal community within my electorate, I hope that the effects of this legislation will flow on to my community, because there are a very high number of indigenous people living within Thuringowa. One of my primary schools with over 200 indigenous students has one of the largest school populations in the state, but we do have many of the problems experienced in the communities—violence, particularly on women, drunkenness and homelessness and abuse of children, including a staggering rate of sexually transmitted diseases. We also have a frightening increase in substance abuse, with children as young as eight years stoned and staggering all over the main road with a Coke bottle full of paint still held against their tiny faces.

We need programs to combat these problems. Some years ago I worked with an incredible group of indigenous women on a program where they assisted young families who were struggling and needed family support. This one-on-one program was very successful in helping address many of the social issues that the families were suffering from. Unfortunately this program has been defunded, although the need still blatantly exists. We need the general

community to support governments establishing the programs that will help with the healing. We must agree to put funds into these areas.

But it is not all doom and gloom. There are some remarkable indigenous women and men working in our community making changes, preserving culture, contributing to and building the capacity of our society. One such project in my electorate is the literacy program at Shalom College, an indigenous boarding and day school run under the auspice of the Uniting Church. It has about 500 students in primary and secondary classes. Most of the primary children are from the Thuringowa-Townsville community. The high school students come from communities throughout Cape York, many of whom speak several tribal languages other than English.

Less than two years ago Shalom College piloted a revolutionary literacy program developed by the Canberra University. In its first year of operation the program won a state award. Last month Shalom College was presented with a national award for the groundbreaking achievements it has made in this field.

It could be argued that education will be the key to liberating indigenous people from the shackles of the past, from alcohol abuse and from related atrocities. This education cannot be accessed without the ability to read and write. Literacy is critical and it seems to me that Shalom College has found a way to get through to indigenous children. I congratulate it on its commitment, hard work and perseverance in succeeding with this program. It is an excellent example of what can be achieved, and I am confident that this legislation, too, will achieve remarkable improvements—in this case to the quality of life of indigenous people.

I again congratulate the minister on her determination to present these bills, and I commend them to the House.

Dr KINGSTON (Maryborough—Ind) (11.12 p.m.): I did not intend to speak to this bill; however, the comments of some of the earlier speakers provoked me to speak because the discussion in general dealt with the symptoms—namely alcoholism and various chemical use—but did not address the basic cause of these symptoms. Symptomatic treatment is a short-term stopgap measure until the underlying cause is defined and addressed. In this regard the member for Woodridge made good sense and I congratulate her.

I was interested to hear the member for Callide accurately define the history of Cherbourg. In 1960 I was a private veterinarian in Murgon and one of my major clients was Cherbourg. I was at Cherbourg at least weekly. At that time it had a dairy farm, an orchard, a sawmill and an extensive beef herd, and all were successful. The community had its own police force and it kept order. Often when we worked late I ate dinner at the home of the head stockman, and his family were delightful. I regret that I have lost contact with that family. Cherbourg in 1960 may have been the result of well-intended mistaken actions but it was, within the limitations of that time, successful. I have been back to Cherbourg several times since then and each time I have been saddened.

In the 1980s I was working as a consultant for Mount Isa Mines. The biggest silver, lead and zinc ore lode in the world lies in the middle of the McArthur River near Boorooloola. The McArthur River is a dry river bed in the dry and a raging torrent in the wet—a mining nightmare. Mount Isa Mines wanted to establish and maintain a route to the mouth of the McArthur River to allow export of the ore, thus Mount Isa Mines purchased McArthur River Station, Bin Bong Station and Walhalla. By so doing it also purchased some 20,000 head of cattle.

I visited Boorooloola with the director of Mount Isa Mines responsible for the environment on two occasions to discuss the situation with the elders and to discuss the difficulty of sacred sites. However, on each occasion our timing was bad. On both occasions we arrived the day after pension day and the whole community was drunk. People were lying on their backs in the dust, face and eyes exposed to the sun, unconscious.

I went again to Boorooloola with the head stockman of McArthur River Station as the muster was about to start, and again our timing was bad. The head stockman rolled the bodies over and identified his stockmen. I was living in a cottage near the cattle yards. Shoeing horses at any time is a hard job. When I woke up the next morning I saw the sorriest group of stockmen you could imagine holding their horses' hooves with one hand and their heads with the other, trying to tack shoes onto their horses. I can personally feel empathy with that situation, as following the veterinary students ball one year I had to treat a draughthorse which kept leaning on me. It had an underrun sole, and an underrun sole on a horse smells foul.

Mr Johnson interjected.

Dr KINGSTON: That is right. Eventually I said to the owner, 'Look, I'm sorry, I'm sicker than the horse. Will you please take him home and bring him back tomorrow?'

I have worked on projects to assist indigenous people in the gulf country, and I might add that most of those projects were implemented by Tom Burns, who was a great champion of Cape York. He did that very quietly, and I do not think many people appreciate it.

Mr Schwarten: He didn't do anything quietly. What are you talking about?

Dr KINGSTON: He went fishing quietly on a boat called the—

Mr Schwarten: The *Electorate*.

Dr KINGSTON: The *Electorate*, correct. One project involved the planting and sale of cashew nuts for which that climate and country is very well suited, but try as many people did, the project did not get off the ground.

Boorooloola was built by the Whitlam government. Allotments with kerb and channelling and bitumen roads cost $25 each for the residents of the old Boorooloola camp. When I first saw Boorooloola from an aircraft, which was bucketing all over the sky whilst on an aerial survey, I thought I was hallucinating. By 1960 not one allotment was owned by an indigenous person. All had been sold.

Mr Shine: It might have been after the veterinary ball.

Dr KINGSTON: No, it was not. All these allotments, purchased for $25 by local people, had been sold to buy grog. There were two licensed grog shops in Boorooloola. That is a very sad but very true fact.

The member for Ashgrove spoke well of seeing Cherbourg after permission was given for grog to be sold there. With respect, I suggest that to really appreciate the difference you have to have seen the situation before that permission was given and afterwards.

The member for Fitzroy spoke with his usual earnestness and sincerity about Woorabinda.

Mr Lawlor: You are doing the minister's job here.

Dr KINGSTON: If you like. To my mind the best study of the cause of the breakdown of indigenous communities was written in the 1960s by a young agrostologist who was stationed on a large cattle property purchased for $1 million by an Aboriginal group. This was a very large property on the Northern Territory-Queensland border, and for some eight years following purchase it went very well. Development occurred and a profit was made, and the bank that financed the purchase was happy. Then the situation started to collapse, and finally the property went bankrupt and was lost to the community, with a great deal of pain.

The young agrostologist was technically and emotionally involved and shattered by this result—so much so that he went back to the University of Armidale and did a PhD study in psychology. His objective was to define in practical terms why the community investment he had grown so close to had collapsed. What he found was as follows.

Mr Lawlor: What relevance does this have?

Dr KINGSTON: If the member listens, he might learn. This is important as it deals with the causal agents, not the symptoms. The Church of England had entered the gulf country with the best of intentions and had become both judge and jury. By so doing, it had eroded the power of the elders. Actually, the bishop concerned was a friend of mine, and he is also very well known to the member for Ashgrove. I have no hesitation in saying that he would not do anything to harm anybody, but he did become judge and jury to that community and by so doing he eroded the power of the elders. Then Gough Whitlam, again with the best of intentions, gave the communities virtual self-government. But he did not prepare them for that responsibility. No training programs concerning how to handle the responsibility of self-government were put in place.

The cattle station I am speaking about did well whilst one extended family was dominant. It started to falter in the next generation, when the young bucks who had lost most of their respect for the elders came to power. Another family became dominant. During this process of disputed dominance, the careful development of the property was forgotten and the result was bankruptcy and tragedy. I have been told by an ex-senator somewhat disenchanted by the Australian political process that when there is a contest for the leadership of the governing party in Canberra, Australia could perish whilst the power struggle is resolved. Thus perhaps we are dealing with a human problem, not a problem limited purely to indigenous people.

During one period of six weeks over the school holidays I went horse breaking with two Aboriginals. I lived with them, I worked with them and I learned a hell of a lot about horse breaking from them. I admired them for their horse breaking skills, and that is all they asked of me—that I accepted them for what they were, that is, very skilled horse breakers. I have mentioned this as it identifies for me the need of indigenous people, namely, the need for respect—self-respect and the respect of others. Noel Pearson, I think, was referring to this in his now famous speech.

I have seen hundreds of deserted cars on the track from Darwin to one of the buffalo abattoirs in Arnhem Land. These cars were bought with the royalties paid by buffalo shooters, but this almost gifted money meant little. When a car purchased in Darwin to transport the recipients back to their homeland ran out of fuel, it was left as derelict. The line of cars provided a great help to the navigator of a light plane flying from Darwin to the buffalo abattoir.

I congratulate the government on tackling this difficult and urgent problem. I am encouraged by some of the contributions tonight, but I urge the government and the workers involved to remember that, whilst the symptoms are heart-rending and need treatment, the solution lies in identifying the basic problem and remedying that.

During fish population studies of every river from Nambour to Broome I have met and spent hours talking to many Aboriginal community advisers. I regret to say that many of those advisers are inexperienced. I think they were not constructive but divisive. I encourage the Queensland government to do what it can to see that such advisers are correctly trained—that is, to train the trainers.

I encourage the government to build self-respect in the communities. This is a tough job, but it is effective. The government should build the capacity for communities to become a positive part of modern Australia. One of the best secretaries I have ever had was an Aboriginal girl. All she asked was that she be treated in the same manner as any other Australian. She is a great person and she became a great friend. She remains that. With those words I commend the government and I encourage it to look at the causal agents.

Mrs MILLER (Bundamba—ALP) (11.25 p.m.): I rise in support of the Community Services Legislation Amendment Bill and the Indigenous Communities Liquor Licences Bill. The Local Justice Initiatives program is administered by the Department of Aboriginal and Torres Strait Islander Policy and was developed in response to the recommendations of the royal commission into Aboriginal deaths in custody. The program aims to reduce the number of indigenous people coming into contact with the criminal justice system.

The program began in 1993 by piloting community justice groups in three remote communities. The program was expanded in 1996 and there are now 32 community justice groups, from Thursday Island in the far north out to Mornington Island and down to Brisbane. Community justice groups are made up of local elders and respected persons who are endorsed by the community. In this way, the groups reinforce and maintain traditional indigenous authority structures.

Activities undertaken by the groups include formal work with the criminal justice system. The groups are involved in preparing submissions on sentencing for indigenous offenders and in conducting activities including intervention with people at risk of offending, mediation, counselling and suicide prevention.

DATSIP provides various levels of funding to community justice. However, on average groups receive approximately $50,000 to $60,000 per year. In 2001-02 DATSIP allocated $1.9 million under the Local Justice Initiatives program. An additional $1 million has been made available in order to carry out the new roles and responsibilities as outlined in the *Meeting challenges, making choices* document. Justice groups use their funding to cover vehicle costs and the salary of a coordinator. Many other community members volunteer their services as justice group members. Over a year, the cumulative contribution of volunteers would run into many, many thousands of hours.

Through the Cape York Justice Study Tony Fitzgerald identified the important role justice groups play in supporting community members in their experiences with the mainstream justice system. Justice groups help make the justice system relevant to indigenous offenders and ultimately help to divert offenders from the mainstream system where appropriate. There are some great examples of justice groups in action. Coen community justice group members are present at each sitting of the Magistrates Court in Coen. These members provide input to the formal submissions to the court concerning possible sentencing and diversionary alternatives from

the local community's viewpoint. In Mackay, the Mackay Aboriginal and Islander Justice Alternatives Group conducts street patrols in Mackay city heart every Friday and Saturday night. In Yarrabah the justice group is working with Queensland Transport to implement a driver licence training course.

In Kowanyama, members of the justice group have been working with the local school to develop sporting programs for young people. This work has been supported by visits from key sportspeople, who have conducted coaching clinics. This initiative has created greater community spirit and pride and has provided a meaningful, engaging and positive outlet for young people. I have visited Kowanyama on several occasions over the years as registrar of JPs.

Until now, the authority of community justice groups has been derived from their traditional status within their own community. This legislation will reinforce the groups' authority and empower them to tackle alcohol issues in their community. Besides their involvement in community justice groups, many indigenous people also train to be justices of the peace and sit on the Magistrates Court. There are now nine remote Aboriginal and Torres Strait Islander communities in which indigenous JPs conduct their own Magistrates Court. These include Badu Island, Bamaga, Hope Vale, Kowanyama, Pormpuraaw, Thursday Island, Woorabinda, Wujal Wujal and Yarrabah. Both Pormpuraaw and Badu Island have recently finished training provided by the Justices of the Peace Branch of the Department of Justice and Attorney-General and held their courts in July and September.

Many of the benefits of the indigenous JP program can be traced back to the dedication of the JP Council, headed by Michael Bertram in the early to mid-1990s. Members of that council, including Reverend Father Fraser Young, Bill Skinner and others, and myself as registrar, worked with indigenous communities to ensure the success of that program. Tonight I salute all those whose vision back then is today a reality.

Community justice groups are one of the backbones of our communities and their efforts will be appreciated by all members of this House. The staff of DATSIP should be congratulated on their magnificent efforts in the drafting of this bill in consultation with indigenous communities and across other government agencies. In fact, my sister, Karen Pringle, was involved in this process so I feel some family connection to this bill. Also involved were Michael Limerick who is here tonight, and Mary Monahan, both professional Queensland public servants who, among many others, devoted the last six months of their working lives to this bill.

I commend the minister for her work, and that of her department. I commend the bill to the House.

Mr TERRY SULLIVAN (Stafford—ALP) (11.30 p.m.): For more than 20 years I worked in public bars at the Exhibition grounds and I saw public drunkenness in many forms. I saw Caucasian and Aboriginal, young and old, city and country people who were badly affected by alcohol. But it was not until the early 1990s that I saw the effects of alcohol on a whole community. I had the opportunity, with then ministers Anne Warner and Tom Burns, together with now Minister Schwarten and Minister Robertson and the Minister for Community Services, Judy Spence, when we were together on the Public Works Committee to visit a number of communities including Kowanyama, Aurukun, Lockhart River, Bamaga and Laura. It was then that I saw public drunkenness and the effect of drunkenness in a way that I had never seen when I worked in the hospitality industry.

The pervasiveness of the problem struck me deeply. I can still recall one of the most depressing days of my life—one of the days when I felt most disheartened—was after having visited Kowanyama and Aurukun with Anne Warner and seeing for the first time what appeared to me to be the hopelessness arising from alcohol and other community problems. May I say that for any minister, for any government and for any community there are no easy solutions. I commend the minister for this attempt which I believe will go some way towards addressing the problem which will be with us for some time but which we must continue to tackle. I support the bill.

Mr PURCELL (Bulimba—ALP) (11.32 p.m.): This bill is a very important and major step towards correcting the huge and very destructive problems that exist in the remote indigenous communities of this state. With the combination of the two bills being presented, the government, in partnership with the people of these communities, will be able to take the long overdue action necessary to tackle alcohol abuse and violence. These problems are very real and can only be described as a tragedy. To quote the minister, it is, in part, the legacy of disenfranchisement, of stolen generations and loss of culture and it represents a shameful part of our history and a shameful indictment of present practices.

There are high rates of mortality and suicide and appalling rates of hospital admissions for assault and injury. The rates of these offences in these communities are nine times higher than the state average. It is a national disgrace. These bills will go a long way to rectifying that situation. I commend the bills to the House.

Debate, on motion of Ms Spence, adjourned.

ADJOURNMENT

Hon. J. C. SPENCE (Mount Gravatt—ALP) (Minister for Families and Minister for Aboriginal and Torres Strait Islander Policy and Minister for Disability Services and Minister for Seniors) (11.34 p.m.): I move—

That the House do now adjourn.

Dinner under the Stars, Longreach

Mr JOHNSON (Gregory—NPA) (Deputy Leader of the Opposition) (11.34 p.m.): I want to bring to the attention of the House one of the best planned and managed exercises I have ever attended in any place, let alone the outback. I am referring to the Dinner under the Stars attended by many past and present Olympic athletes and sportsmen and women of a non-Olympic nature. This event was held on the tarmac of the Longreach Airport where 1,200 people sat down to a three-course meal. Being a black-tie occasion, even more splendour was added to the event.

I want to recognise the great effort of the executive director of the Queensland Olympic Council, Ian Guiver, and president Richard Powell, as well as Mr Guiver's assistant Paul Mudge, in conjunction with a truly professional display of entrepreneurial skills of Dan Sheehan and his wife, Julie, and Maryanne and Bill Ringrose of Longreach.

The logistics of this feat had to be seen to be believed. It was a class act that became a command performance. The management, planning and strategy that was put in place from an early stage made the night the great success that it was. My sincere thanks go to Mayor Joan Moloney of the Longreach Shire Council and her council staff. I also thank the Deputy Premier, the Hon. Terry Mackenroth, Treasurer and Minister for Sport, who on the occasion made a contribution of $110,000 to the Queensland Olympic Council. It was very much appreciated and I thank the Queensland government for that very kind gesture.

I also thank QantasLink and Alliance Airlines for the conveyance of patrons to and from Longreach. I thank Nissan for the donation of a vehicle for auction that night. I particularly thank Stephen Downes. I thank Paul Hansen Transport for the generosity of the carriage of tables, chairs and other associated merchandise from Brisbane to Longreach for this special occasion. Thanks to Paul and Sally. I thank the Gunnadoo Caravan Park for looking after many patrons. I thank the staff of West Farmers Landmark who worked from 7 a.m. to 3 p.m. assembling tables and chairs, plus all the other volunteers and students from the QIT at Rockhampton.

I thank Brendan Hall of the Qantas Founders Museum for his outstanding catering feat, and those many, many people who played the role of waiters and waitresses. I thank Carlton and United Breweries for their kind support, as well as radio stations 4LG and 4QL. I also thank Air BP, which donated 12 tonnes of fuel.

I thank the Department of Primary Industries and the Local Government Association of Queensland, as well as Bruce Campbell, chair of the Year of the Outback 2002, and Peter Huth, who is the Queensland chairman of the Year of the Outback.

I thank Phillip Black for the use of his plane in dropping the skydivers, David and Rod Benson, who parachuted carrying the Olympic and Year of the Outback flags respectively. I thank John Arnold and Scott Young and the horsemen from the Longreach Pastoral College for their fine display of horsemanship. I thank compere Pat Welsh of Channel 7 for the superb job that he did. I thank the John Paul College chamber choir for their fine contribution, and Michelle Lock who arranged all the childminding for this occasion. The sum of $150,000 was raised from auctions. I thank all those people who contributed towards this. Danny and Julie Sheehan can take full credit for this monumental success of the Year of the Outback Dinner under the Stars. I have never witnessed anything quite like it. I thank Ian Guiver and all the people I have mentioned. They are true champions.

May I again offer a very special thank you to the Queensland state government for helping to make this occasion the special event that it was.

Death of George Pippos

Hon. J. FOURAS (Ashgrove—ALP) (11.37 p.m.): I rise to speak about the life of my friend George Pippos. George touched the lives of so many people. This was starkly evident from the massive crowd that attended his funeral yesterday. George was a lover of life and a lover of people—often blunt, at times abrasive, but never dull. George always exhibited a can-do approach. He always acted with the utmost integrity and was always loyal to friends and family. He was a great citizen and a great Queenslander.

When I look at the life of George Pippos I can see a number of passions with which he was caught up. He loved the racing game. He was proudly multicultural and he was proud of his Greekness. He was involved in the community. He was passionate about Rugby Union. He was a successful businessman.

I think we all know of his ownership of the 'Goondiwindi Grey', Gunsynd, and his recent appointment to the racing board—a job which he performed with a lot of gusto and with great passion.

With regard to the Greek community, George was president and secretary and he was involved in instigating such things as the Panyiri, a nursing home and a child care centre. More than that, he took over the presidency when the Greek Club was very much in debt and was in danger of going down. He saved the club for the Greek people and also for the Brisbane community. He was chair of the Migrant Resource Centre management committee. He was proud of the multicultural aspects of this country. He was also proud of his Greekness.

With regard to Rugby Union, George was a player in his younger days with Wests Rugby Union Club. He served for many years as president, as well as being president of the Queensland Rugby Union and a board member of the Australian Rugby Union. Just a week or so ago he rang me wanting me to organise a meeting for him with the Minister for Sport in Greece. He had a passion for introducing Rugby Union to Greece.

He was a successful businessman—a successful hotelier. He had a great talent for picking capable staff and, more importantly, he had the capacity to treat them as members of his immediate family. Once you had George's trust, you had it for life and he treated you like a member of his family.

Ultimately, I would say this: George was one of a kind. He was a man who exhibited so much exuberance and passion and such a blunt approach. He was a person who believed he could make a difference and had the power to change things. George loved challenges. Even when he went on holidays he liked to go on a trek up mountain sides or to areas of towns and cities that we knew nothing about.

I believe we all feel sadness at him being taken away from us prematurely. I want to finish by saying, 'George, mate, we are all the worse for your having left us.'

Seniors Card

Mr QUINN (Robina—Lib) (11.40 p.m.): Since its introduction, the Seniors Card has been of great benefit to many Queenslanders over a long period. Successive governments have improved the range of benefits to seniors in Queensland. The one area that needs attention is that there is no reciprocal arrangement between the state governments. This applies particularly to seniors when they travel. I think that there is an urgent need to have some reciprocal rights between the states so that seniors in Queensland can use the train to travel to New South Wales and can access the same sorts of benefits that they access in Queensland.

The Commonwealth government has come partially to the party. The last federal budget provided some $25 million to partially fund reciprocal travel arrangements between the states. Unfortunately, the states have yet to agree in terms of the range of those reciprocal arrangements. I ask the Minister for Seniors in Queensland to try to expedite this matter as quickly as possible. A number of people in my area would like to take advantage of these additional funds that the Commonwealth has applied for this purpose, but until the states come together and provide an agreed framework in which this could occur, seniors in all states will continue to not have the range of benefits, I think, that they deserve.

Quite simply, they say to me that if they travel across the border, then there is no benefit to them in terms of using their card. They understand that every state in Australia has some form of Seniors Card, that there is a range of benefits available to them, and they really want some action

on behalf of all state governments to try to redress what they think is a situation where commonsense should prevail. They equate it to something like a pension card. If people can use their pension card around Australia to access a range of benefits, and if every state has a Seniors Card, the same situation should apply.

Whilst the Commonwealth has put in $25 million, it may not be what is required—but at least it is a start—and I ask the state government in this instance to work with the other state governments around Australia to try to start a process of getting some sort of range of standardised services and standardised benefits for seniors so that no matter where they travel around Australia they can access a range of suitable benefits. I think with more and more people travelling, particularly elderly people, this is an ideal opportunity for the state governments to work together to provide this sort of benefit, which I think what would be well received by seniors around Australia.

Pine Rivers State High School; Schools Conflict Resolution and Mediation Competition

Mrs LAVARCH (Kurwongbah—ALP) (11.43 p.m.): Last year I was delighted to report to the House that the Pine Rivers State High School won the Queensland state finals of the Schools Conflict Resolution and Mediation competition—or SCRAM. This competition was developed in 1995 by the Queensland Law Society and then taken up nationally for year 9 and year 10 students. The Pine Rivers State High School 2001 SCRAM team went on to win the national finals—the first Queensland school to do so.

It is finals time again for SCRAM. Last Friday, the 2002 state finals were held here at Parliament House. The three teams competing in the finals were St Aidan's Anglican Girls School of Corinda, Albany Creek State High School and Pine Rivers State High School. Once again, I am delighted to inform the House that Pine Rivers State High School won the state finals.

The teams from all three schools demonstrated excellent conflict resolution skills as well as a maturity beyond their years in problem-solving techniques. I congratulate all of these young people on their commitment to this unique problem-solving program and I know that they would have learned skills that would assist them and their families and friends for life. I particularly congratulate the members of the winning Pine Rivers State High School SCRAM team: mediators, Chantelle Kohn and Jodie Conserdyne; and team members, Bridie Duncan, Keira Pearce, Matthew Whittaker, Brenton Jones, Laura Willersdorf and Stephanie Bulger. I also congratulate their teacher and coach, Joan Trueman. I cannot give high enough praise for her dedication and commitment to her students and her ever ready encouragement for all her students. I know both Joan and school principal, Janelle Deakin, are very proud of all the team members and their achievements to date. But they cannot rest on their laurels yet. Pine Rivers State High School is off to the national SCRAM finals in Melbourne in November. I know that all honourable members will join with me in wishing them every success in Melbourne. I have no doubt that they will excel.

I also want to take this opportunity to commend the Queensland Law Society for developing this program and providing the prize money. The Pine Rivers State High School team won $4,000. I also place on record an appreciation that so many lawyers across all regions of Queensland generously donated their time to support the competition. Without their support, this very worthwhile project would not be possible. This year, 32 Queensland schools entered the competition. I encourage as many schools as possible to get involved next year. The benefits of this program are enormous and the skills and values of mediation make it an ideal learning vehicle for students. Recognition also needs to be given to the state government and, in particular, the Attorney-General for supporting this great initiative.

National Building Code of Australia Energy Efficiency Measures

Mr WELLINGTON (Nicklin—Ind) (11.45 p.m.): I rise to share with members concerns that have been raised with me by some builders regarding the proposed energy efficiency measures in the national building code of Australia. I understand that some states will require these new energy efficiency measures to be effective from 1 January 2003.

I am pleased to hear that the Queensland state government is continuing discussions with the building industry and at this stage is likely to postpone the implementation of these new measures until consensus is reached with the industry. I use this opportunity to lend my support to the calls for a delay in the start of the new standards because of the uniqueness of the

Queensland situation. For example, I have been advised by the Queensland Master Builders Association that there are more than 150 display homes in the Brisbane region and more than 60 currently under construction. I am informed that none of these homes adopt the proposed provisions under the building code for energy efficiency. In many cases, significant design changes would be needed to meet the new requirements.

More consultation is certainly needed with all parties in order to iron out the major anomalies in the climate map. I understand that Australia is divided into eight climate zones. We certainly need flexibility in the new building codes to accommodate these significant variations. The climate map is fundamentally flawed in suggesting that the climate 50 kilometres north of Bundaberg is the same as the climate in Darwin or Weipa. There could be significant price hikes in the cost of some housing with the imposition of unreasonable proposals that could lead to one of the worst declines in the building industry for decades. This could also flow on to the manufacturing and other related industries and that would have a major impact on the economy of this great state of the Queensland.

I certainly hope that this does not happen. The best preventive measure that we can take is to continue the open discussions with the industry and not be rushed by pressure from other states to sign off on these new codes. The building industry understands the importance of providing homes with more shade and insulation. However, it cannot wave a magic wand. All it is asking for is time to comply with these new proposals. Architects need to recognise the importance of designing energy efficient buildings and it is high time that buildings are designed in sympathy with our climate.

I recognise that we must reduce greenhouse gas emissions and I suggest that we start by reining in one of the biggest offenders, electric hot water systems. I take this opportunity to urge the government to continue its discussions with the building industry, architects and other interested parties and to delay the implementation date for the code to January 2004.

Mr R. Blundell

Mr MICKEL (Logan—ALP) (11.47 p.m.): On behalf of the member for Woodridge, I want to pay warm tribute to one of our distinguished educators and citizens who was taken from us quite suddenly a couple of months ago. Roderick Leslie George Blundell—Rod to everyone—crammed into his 61 years more than 40 years as a teacher and principal in high schools throughout the state. He served as principal at Atherton, Ayr, Biloela, and finally Mabel Park, in the electorate of Woodridge. That was where I first came into contact with Rod and appreciated his great qualities. Sadly, ill health brought about his early retirement from Mabel Park State High School, and his departure was a sad day for the school, for teachers, for parents and the community. In time, however, his health improved and Rod was soon back in harness teaching maths and computing at Sunnybank State High School. He was also a part-time lecturer in maths at Griffith University's Gold Coast campus. Rod died doing what he enjoyed most—serving his community. He collapsed and died at a Rotary meeting. It was his work in Rotary which was the measure of his community commitment. One of his final contributions was to travel to Nigeria to assist with a Rotary sponsored polio immunisation program. He lived life to the fullest and he travelled extensively. He was a lifelong member of the Labor Party, President of Young Labor and stood for elected office twice, once on Clem Jones's council team in a safe opposition ward, which he almost won, and then against Sir William Knox in Nundah where he lost by a couple of hundred votes, almost denying Sir William the many records he achieved during his 32 years here.

Having as a mentor and campaign worker someone who was a candidate in the Clem Jones team and the Jack Duggan state Labor team was a unique and wonderful experience for me. I will miss his vast experience, wisdom and his vast commitment to the community greatly. He was an active member of the West Logan branch of the Labor Party. To his widow, Rhonda, his daughter, Catherine, his son, Lachlan, and his brother, Lance, who spoke so lovingly of his brother, we extend our sympathy, that of our branch members and that of the community which Rod Blundell served with such distinction and commitment in his all-too-short time on this earth. In these times when it is difficult to find enough public spirited citizens to lead our worthy community organisations, including Rotary, Rod Blundell is widely and genuinely missed by all who were privileged to know him. On behalf of the member for Woodridge, we are honoured to have known him and privileged to have served with him. To his widow, Rhonda, and their family we wish them all the very best.

Ethanol

Mr MALONE (Mirani—NPA) (11.52 p.m.): A number of major announcements have been made by the federal government in recent times in terms of the ethanol industry. First, the federal government's decision to impose excise on all ethanol ensured that cheap ethanol from other countries could not be imported into Australia to compete with locally produced ethanol. The next decision was to return a green rebate to the local producers. That in turn will give some local producers an incentive to produce ethanol. The green rebate for one year is not long enough and certainly needs to be put in place for another 10-year period. We look forward to further announcements in terms of ensuring that that 10-year period is put in place and we also look forward to the federal government making announcements in terms of the mandate, which is necessary to encourage investment in ethanol plants—plants that would cost more than $70 million each. That is needed for the security of the investment.

The last announcement was of $400,000 to research a further ethanol process, called Ze-chem, which is a microbial fermentation process that is a very robust reaction which can deliver up to 70 per cent more ethanol from the same biomass. The Sugar Research Institute of Mackay will work over the next few months to prove up the process. It will work together with the patent holders in America to work up a process for cane biomass under an MOU. The next step after that will be to produce a pilot plant to run the process to ensure that it all works. That could take another 12 months. Indeed, in 18 months there could be a process in Australia to process biomass that will give us a return of more than 70 per cent over the process currently available. This will be a huge breakthrough for the ethanol industry and indeed will set the pace for the ethanol industry to go head to head with the fossil oil industry, even with excise included. That is great news for Queensland and for Australia. It could also be the kick-start that rural and regional communities need to get back on their feet, putting real money back into real industries.

In a bipartisan way I implore the state government to get behind this initiative and make sure that the research project does not run short of funds. Indeed, instead of making sheiks in the Middle East rich and holding us to ransom, we will empower our rural communities right across Australia and enrich them with a new, environmentally friendly, renewable, foreign exchange saving, security enhancing energy source. Of course, major oil companies will not accept this without some argument. This new industry has the potential to wipe out up to 25 per cent or more of their market share and they will not give in without a fight.

Time expired.

United Medical Protection; Medical Indemnity Insurance

Mr WILSON (Ferny Grove—ALP) (11.55 p.m.) The law on negligence has been developed by the courts in English speaking countries around the world over the last 100 years or so. If within the strict limits established by the courts you owe a duty of care to another person and you injure them, you must financially compensate them to the extent necessary to restore them so far as money can to the position they were in before they were injured. This applies to people in all walks of life—businessmen, sporting and service clubs, local councils and professionals. In Australia, the constitutional power to regulate the law of negligence is and always has been with the states, and for over 100 years insurance companies have insured people such as doctors who may be exposed to a claim for compensation from a patient injured not by an accident but by the negligence of a doctor.

The Australian Constitution provides and always has provided that the federal parliament has the exclusive power to regulate insurance companies. With the collapse of United Medical Protection, the biggest medical insurance company in Australia, in May this year, there was an enormous amount of public controversy about wildly excessive awards of compensation by juries, skyrocketing medical insurance premiums, the rapidly increasing cost of medical fees and the fear of doctors, especially specialists, to exposure to liability—to name a few.

About 90 per cent of Queensland doctors are insured with UMP. Little, if any, public attention has been given to how much the bad management of UMP by the handful of doctors who controlled this medical defence organisation contributed to its liquidation. UMP had for five years in the early 1990s waged a fierce price war against other medical insurers by offering unrealistic premiums 30 to 40 per cent lower than its competitors. A lot of doctors were enticed to join UMP by the artificially low premiums, rapidly boosting UMP's membership. However, whenever you bring a doctor into a medical defence organisation you are bringing in a potential capital risk. You have to make sure you have the capital to offset that risk. The cheap premiums created a

problem because they left no money aside to pay for UMP's existing and future liabilities. In a brief 18-month period from 1997, UMP tripled its membership from 11,000 to 32,000 through takeovers of three other major MDOs. By tripling its membership, UMP's outstanding unfunded liabilities skyrocketed. UMP repeatedly failed to disclose to doctors and the public in its financial accounts the continuing underfunding of liabilities of the order of $450 million.

UMP, contrary to the prudent practice of several other MDOs, refused to acknowledge its huge incurred but not reported claims—those yet to come in from medical incidents that have already occurred but not been reported. The industry rule of thumb is that these are generally 110 per cent of the value of known claims. The notorious insurance company HIH, itself now in liquidation with debts of over $5 billion, was the principal reinsurer of UMP. So when HIH hit the wall, most of the stumps under the already rickety house of UMP were knocked from under it in one blow. The federal government has propped up UMP for the moment with a $35 million guarantee which expires on 31 December. It is clear that major reform of MDOs and the insurance industry nationally by the federal government is the cornerstone to secure, stable and long-term future of medical practice in Australia.

Immigration Detention Centres

Mr FLYNN (Lockyer—ONP) (11.58 p.m.): Much has been said, and much more will be said, about detention centres—the people who live in them, the reasons why they are there, whether they should be there and what are the alternatives. This is, of course, largely a federal issue, but what affects Australia affects Queensland. Hence that is why we address such issues in this House. The federal government makes much of detention centres, but if there is anything negative to be said, it is that it keeps people in those places for too long. I say this not because I believe it is wrong to detain suspected illegal immigrants but because the process is too long. These people are either illegal immigrants and not genuine refugees or they are refugees. The appeal process is abused and the federal government vacillates about legislation to impose the will of the people of Australia.

The state government in Queensland appears to oppose in general the federal government's policy towards illegal immigrants. Hypocritically, it appears to want to enjoy the economic benefits of a new detention centre or centres. My response to the entire issue is that I and my party support the federal government policy. However, many question me, saying, 'How can you comment on conditions in detention centres when you have never been there?' I thought, 'Point taken.' I wrote to Phillip Ruddock expressing my support and requesting a tour of Woomera in order for me to speak from experience. To my surprise, I recently received a letter saying, 'No. We have too many visitors. Security is hard to arrange.' To Ruddock I now say: I now know that you are arrogant in the extreme because you relegate a state parliamentarian to the ranks of others who just want to stickybeak. Is this a political response because of his government's hatred of One Nation or does he have something to hide? Please watch this space. I have not finished yet. The feds will pay for their arrogance, but this state government's stance is not entirely guiltless, either.

I feel so passionate about the issue of detention centres that I was much taken by an address in this House by the member for Ashgrove, Jim Fouras, who felt equally passionate but from a different approach. I challenged him to look at the centre for himself, because I believed that he would. The question of whether he would or would not is academic now because the federal government has clearly demonstrated that it is as much One Nation's political enemy as Labor's. Sorry, Jim. It is not going to happen.

Open and accountable government is all we ask for. I believe that today I have demonstrated the contempt with which the federal government treats the states. I say: strip the federal government of its present enormous powers back to its original powers designed to protect the borders of Australia and not the internal politics.

Tallebudgera Leisure Centre

Mrs SMITH (Burleigh—ALP) (12.01 a.m.): Last Thursday I had the pleasure of attending the opening of the Tallebudgera Leisure Centre, a multipurpose sports centre in my electorate. My esteemed colleague the Hon. Terry Mackenroth performed the official duties with his usual brilliance, and the ceremony was a great success. I was pleased to have the opportunity to witness the opening of a sporting facility that can offer so much to the community. Originally built

as a rest and recreation camp for the Australian and American servicemen at the end of World War II, the Tallebudgera Outdoor Recreation Centre has been a Gold Coast icon for more than 55 years.

Also present at the ceremony was Alan Rafton, the principal of the Tallebudgera Beach School, and the students who will be major beneficiaries of the new facilities. I spoke with children from the Toowoomba region who were at the school for a week. They told me it was the best school they had ever attended. That is high praise indeed. Many schoolchildren go there to camp, play sport and enjoy a day out at the beach. The centre promotes health and fitness and provides training in surf survival for schoolchildren.

The leisure centre includes two multipurpose courts that can be used for a variety of sports, giving local sporting groups a much-needed venue. The redevelopment of the recreation centre is a tremendous asset for the local community. It has been an ambitious and expensive project but I truly believe that the community will reap the benefits of having a world-class sporting facility on our doorstep. Not only will the recreation centre cater for school and community sporting events; it will become a training ground for some of Australia's elite athletes.

The Gold Coast is already home to several world-class athletes, and upgrading and providing more facilities can only improve the coast's desirability. The centre has been built to complement the existing sporting facilities in the Burleigh-Tallebudgera area, as well as linking it with the Gold Coast City Council's sporting facilities plan. This project will boost the Burleigh economy and is a major boost to the sporting facilities on the Gold Coast. At a cost of $5 million, the centre represents a significant part of the $18 million this government has committed to redeveloping the site. The centre also includes an excellent kiosk and provides offices for Sport and Recreation Queensland.

This project is typical of the way this government is working to improve local facilities and to increase the opportunities of Queenslanders to be involved in the community. I commend everyone who has been involved in its development and construction and look forward to the joy this will bring to the faces of so many kids.

Motion agreed to.

The House adjourned at 12.03 a.m. (Wednesday)