

WEDNESDAY, 26 NOVEMBER 2003

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

MEMBERS' DAILY TRAVELLING ALLOWANCE CLAIMS**Report**

Mr SPEAKER: Honourable members, I lay upon the table of the House the annual report of daily travelling allowance claims by members of the Legislative Assembly for 2002-03.

PETITIONS

The following honourable members have lodged paper petitions for presentation—

Mining Lease, North Arm

Mr Wellington from 1058 petitioners requesting the House stop all present mining activities and reject the mining lease application No. 50203 and further to stop any future mining of minerals in the North Arm district.

Koalas, Redland Shire

Mr Choi from 721 petitioners requesting the House that as the koala has recently been classified as a vulnerable species it urgently provides wildlife warning signs advising motorists to "reduce speeds at night" and reflective markers on various roads in the Redland Shire with a view to alerting motorists to the risk of encountering native wildlife on roads at night.

Child Protection

Mr Quinn from 2499 petitioners requesting the House to resolve to request the Government to establish as a matter of urgency a Royal Commission into all forms of child abuse in Queensland with particular reference to the failure of the Families Department and other instruments of Government to protect children in care.

Container Deposit Legislation

Mr Johnson from 404 petitioners requesting the House to introduce container deposit legislation using the guidelines of that of South Australia and overseas examples and that a refundable deposit of ten cents be implemented, as recommended by the recent review of container deposit legislation in New South Wales.

Lake Eacham

Mr Springborg from 921 petitioners requesting the House to ensure that no road closures occur as part of the master plan in the redevelopment of Lake Eacham.

The following honourable member has sponsored an e-petition which is now closed and presented—

Child Protection

Mr Quinn from 92 petitioners requesting the House to resolve to request the Government to establish as a matter of urgency a Royal Commission into all forms of child abuse in Queensland with particular reference to the failure of the Families Department and other instruments of Government to protect children in care.

PAPER**MINISTERIAL PAPER**

The following Ministerial paper was tabled—

Minister for Employment, Training and Youth and Minister for the Arts (Mr M Foley)—

Smart Investment: Queensland Training and Employment Priorities 2003-2004

NOTICE OF MOTION**Standing Rules and Orders**

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.34 a.m.): I give notice that tomorrow I will move—

That this House amends the standing rules and orders of the Legislative Assembly by:

- (a) omitting the current chapter XVI—petitions (standing orders 219-238A);
- (b) inserting the proposed chapter XVI—petitions (standing orders 219-225), circulated in my name;
- (c) inserting after standing order 158A the proposed standing order 158B (relating to the disclosure in representations or communication of pecuniary interests) circulated in my name; and
- (d) inserting after standing order 301 the proposed standing order 301A (papers forwarded by a minister or the Governor during recess deemed tabled) circulated in my name.

PROPOSED NEW CHAPTER XVI OF STANDING RULES AND ORDERS OF THE LEGISLATIVE ASSEMBLY

"CHAPTER XVI—PETITIONS

219. Purpose and effect

(1) The following requirements and provisions set out in this Chapter relate to the petitioning of the Legislative Assembly ("the House").

(2) The House shall recognise two types of petitions:

- (a) Paper petitions; and
- (b) Electronic petitions ("E-Petitions").

220. Paper petitions

A paper petition is a petition:

- (a) in the correct form, stating a grievance and containing a request for action by the House;
- (b) fairly written or printed, and free from erasures and interlineations;
- (c) physically signed by at least one person on the sheet on which the petition is written or printed;
- (d) lodged by a Member with the Clerk for presentation to the House.

221. Electronic petition ("E-Petition")

(1) An E-Petition is a petition:

- (a) in the correct form, stating a grievance and containing a request for action by the House;
- (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
- (c) persons may elect to indicate their support of the petition ("join the petition") by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.

(2) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.

(3) The member sponsoring the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-Petition.

(4) Once published on the Parliament's Internet Website an E-Petition cannot be altered.

(5) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the House shall be published on the Parliament's Internet Website at the same time.

(6) Once the posted period for an E-Petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the names, addresses and email addresses of the persons who joined the petition) and presented to the House in the name of the Member that sponsored the E-Petition.

(7) An E-Petition published on the Parliament's Internet Website, but not presented to the House prior to the dissolution of the Parliament, shall be presented to the subsequent Parliament and becomes a petition of the subsequent Parliament.

(8) An E-Petition cannot be sponsored after the dissolution of the Parliament.

222. Correct form for all petitions

(1) All petitions shall be in the following correct form—

"PETITION

TO: The Honourable the Speaker and Members of the Legislative Assembly of Queensland.

The Petition of (a) citizens of Queensland or

(b) residents of the State of Queensland or

(c) electors of the Division of ...

draws to the attention of the House

(*State Grievance*)

Your petitioners, therefore request the House to

(*State action required*)

Name and address of principal petitioner

(*Here follows the Signatures*)

(2) The text of the grievance and action required in each petition shall not exceed 250 words in total.

223. General Rules for Petitions

(1) A petition shall be in the English language, or if in another language shall be accompanied by an English translation, certified by the member who sponsors or lodges it to be a true and correct translation.

(2) A petition of a company must be made under its common seal (if the company has a common seal).

(3) Letters, affidavits, or other documents may not be attached to a petition and, in the case of E-Petitions, no reference to Universal Resource Locators (URLs) or other links or web based references are permitted in the petition.

(4) A petition must be respectful, decorous and temperate and not contain any unparliamentary language or otherwise offend any rule or practice of the House.

(5) Application shall not be made by a petition for any grant of public money, nor for compounding debts due to the Crown, nor for the remission of duties payable by any person, unless it is first recommended by the Governor.

(6) In respect of paper petitions, signatures shall be written upon the petition itself, and not pasted upon it, or otherwise affixed or transferred to it.

(7) Persons must sign paper petitions by their names or marks, and by no one else, except in case of incapacity from sickness.

(8) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in case of incapacity from sickness.

(9) A person cannot sign or join the same paper petition or E-Petition more than once.

(10) The correct form of the petition (including the name, address and, in the case of an E-Petition the email address, of the principal petitioner) must appear on each page of the petition to be presented to the House.

224. Presentation of petitions to the House

(1) At the appointed time in the order of business of the House the Speaker will ask the Clerk to read the list of petitions lodged.

(2) Every petition presented to the House in accordance with (1) is deemed to have been received by the House unless a motion that it not be received is moved immediately and agreed to.

225. Duties and powers of the Speaker and Clerk regarding petitions

(1) The Clerk may return a paper petition not in conformity with these Standing Orders to the member who lodged the petition.

(2) The Clerk may decline to publish an E-Petition on the Parliament's Internet Website not in conformity with these Standing Orders and advise the sponsoring member accordingly.

(3) The Clerk or a member may seek a ruling from the Speaker about the conformity of any petition with these Standing Orders.

(4) The Speaker or the Clerk may allow a petition not in strict compliance with these rules to be presented or published, but only if the non-compliance is minor and relates to the form of the petition and not its substance.

(5) The Clerk shall ensure that the details of all petitions received after these Standing Orders are adopted, together with all ministerial responses received are published on the Parliament's Internet Website. The details may be removed after the dissolution of each Parliament.

(6) The Clerk is authorised to create and maintain an appropriate Internet Website on which to publish electronic petitions, paper petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these Standing Orders.

(7) The Clerk must dispose of all electronic personal data related to the posting and joining of an E-Petition within six months after an electronic petition is printed and presented to the House.

226. Instructions to members lodging or sponsoring petitions

(1) A member lodging a paper petition shall place their name and signature at the beginning of that petition and indicate the number of petitioners.

(2) A member lodging or sponsoring a petition shall take care that it is in conformity with these Standing Orders.

(3) A member cannot lodge or sponsor their own petition.

(4) If a member desires a paper petition to be presented on a particular sitting day, the member must lodge the petition with the Clerk of the Parliament at least two hours prior to the time set for the commencement of the meeting of the House on that sitting day.

(5) If a member desires a number of petitions to be presented together on a particular sitting day, then the member may request the Clerk to hold any petitions lodged or sponsored for presentation on a particular day.

227. Petitions referred to a Minister and responses tabled and published

(1) The Clerk shall refer a copy of the material parts of every petition presented to and received by the House to the Minister responsible for the administration of the matter which is the subject of the petition.

(2) The Minister may forward the Clerk's advice to another Minister for response.

(3) The Minister may forward a response ("ministerial response") to a petition to the Clerk and the Clerk shall:

(a) table the response;

(b) forward a copy of the response to the member who presented the petition; and

(c) ensure the response is published on the Parliament's Internet Website.

(4) If the House is not sitting when the Clerk receives a ministerial response to a petition, the response is deemed to be tabled when it is received by the Clerk.

(5) The details of all ministerial responses to petitions received by the Clerk and deemed to be tabled and the day they are received by the Clerk must be recorded in the Votes and Proceedings and Hansard on the next sitting day."

PROPOSED AMENDMENT TO STANDING RULES AND ORDERS
NEW STANDING ORDER 158B

"158B Disclosure in representations or communications of pecuniary interest

In any representation or communication which a member may have with other members or with Ministers or servants of the Crown, a member shall disclose any pecuniary interest (of which the member is aware) that the member or a related person (as defined by the resolution for Members' Register of Interest) has in the subject matter of the representation or communication, if such pecuniary interest is significantly greater than the interest held in common with subjects of the Crown or members of the House generally."

PROPOSED AMENDMENT TO STANDING RULES AND ORDERS
NEW STANDING ORDER 301A

"301A. Papers forwarded by a minister or the governor during recess deemed tabled

- (1) A Minister or the Governor may table any paper or report concerning the affairs of the State when the House is not sitting.
- (2) A Minister or the Governor may table a paper or report when the House is not sitting by providing the paper or report to the Clerk of the Parliament with a request that the paper or report be tabled.
- (3) Papers or reports provided in accordance with (2) are deemed to have been tabled in the House on the day they are received by the Clerk of the Parliament.
- (4) The details of all papers or reports tabled and the day they are received by the Clerk of the Parliament during a recess must be recorded in the Votes and Proceedings and Hansard on the next sitting day."

MINISTERIAL STATEMENT

Department of the Premier and Cabinet

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.35 a.m.): I have a number of matters that I wish to report on to the parliament this morning. Firstly, I want to report on the achievements of the portfolio of the Department of the Premier and Cabinet and the Trade Division for 2001-03. The DPC has been instrumental in delivering a number of the government's election promises, and taking the lead on thorny issues that demand a whole-of-government response. For the benefit of the public record, I will summarise some key achievements of my portfolio—including the Trade Division—since February 2001. For the sake of time, I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

Departmental staff perform many and varied roles.

Right now, for example, some of them are on the ground at the Gold Coast, working with other government officers, volunteers and private businesses to ensure Schoolies runs as safely and smoothly as possible.

That is truly grassroots work—and one of the department's key responsibilities is to help the Government stay in touch with the grassroots.

Since April 2001, 26,800 people have attended 33 Community Cabinet meetings coordinated by the Department.

The Department has also supported 73 Ministerial Regional Community Forums across eight regions—and these forums have helped deliver benefits for regional Queensland.

To further enhance democracy in Queensland, the department worked closely with Parliamentary Services and the Speaker's Office on coordinating the historic Regional sitting of Parliament in North Queensland in September 2002.

With exports supporting one in four regional Queensland jobs, fostering exports is core business for the Government.

In 2001, Trade Division launched the Export Solutions strategy, which in 2002-2003 assisted 2620 firms in export related activities, helping deliver \$441 million worth of export opportunities.

Under the strategy, to 31 October, 174 businesses have been helped to break into international markets, and the value of knowledge intensive exports has risen by almost 18 per cent—well in excess of the 12 per cent target.

Trade division managed my 12 international trade and investment missions, which have involved about 250 Queensland businesses.

Since June 2001, the Government has invested \$39 million in promoting trade through our state wide network of 19 State Development Centres and 10 Trade and Investment Offices.

My Department has also upheld Queensland's interests by being involved—with the Commonwealth—in development of trade agreements.

Recent examples include:

- Australia-Singapore Free Trade Agreement;
- Agreements linked to the World Trade Organisation Doha Development Agenda;
- Australia-Thailand Closer Economic Relations Free Trade Agreement;
- Trade and Economic Framework with China; and
- Preparation for an Australia-United States Free Trade Agreement.

Exporting education is a growth industry, and since Queensland Education and Training International began in 2001 the industry's annual earnings have increased by almost 50%, to \$725 million.

As governments, businesses, professionals and organisations around the country grappled with public liability and professional indemnity issues, the Department chaired a task force that held state-wide consultation forums attended by about 4000 people.

The task force's recommendations—including legislative reforms—were implemented.

Between 1 May 2001 and 31 October 2003 the Commission for Children and Young People Commission issued 157,729 blue cards.

The Commission has also tackled volatile substance misuse.

This is another issue on which my department is coordinating a government response—along with strategies to reduce suicide and illicit drug use.

The Security Planning and Coordination Unit, established in January 2003, co-ordinates counter-terrorism projects and liaises with the Commonwealth.

Staff of Multicultural Affairs Queensland led a response to concerns in the aftermath of terrorist attacks on September 11 2001 and in Bali in 2002.

A Community Relations Response Protocol was developed to help manage community relations in the event of terrorism or rising international tensions.

Queenslanders' safety is also enhanced by eight regional crime prevention resource officers, Building Safer Communities Action Teams in Mackay and Whitsunday Shires, and the Strategic Framework for Community Crime Prevention.

Improving safety was one of many issues identified by the Office for Women during extensive community consultation on a five-year "Agenda for Women and Girls"—which will be launched in the near future.

The Department has a role in safeguarding the future of the Great Barrier Reef, by coordinating development of the State-Commonwealth Reef Water Quality Protection Plan.

Accountability is a pillar of this Government, and my department has supported me in administering the Crime and Misconduct Act 2001 and the Ombudsman Act 2001.

Other areas in which my Department has important roles include:

- The response to Tony Fitzgerald's Cape York Justice Study, to address chronic alcohol abuse and violence and associated problems in Indigenous Communities;
- Legislation to ban human cloning and strictly regulate embryonic stem cell research;
- Regulating the residential services industry;
- The Commonwealth Heads of Government Meeting (CHOGM) on the Sunshine Coast in 2002;
- The visit by Her Majesty, Queen Elizabeth II and His Royal Highness, The Duke of Edinburgh;
- Queensland Greats—honouring the contributions of great Queenslanders to the Smart State;
- Consolidation and review of the Queensland Constitution;
- Three e-democracy initiatives (live internet audio broadcasts of Parliamentary proceedings; online petitions to Parliament; and online community consultation on key policy issues);
- The Community Engagement Improvement Strategy, which encourages public servants to improve interaction with other Queenslanders;
- The "Smart State: Smart Stories" project, which uncovered and showcased stories of innovation and creativity from all over Queensland; and
- A new skilled migration strategy.

MINISTERIAL STATEMENT

Noosa River

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.36 a.m.): As part of my reporting obligations, I report that we are going to make sure that the Noosa River is cared for. A comprehensive blueprint outlining coordinated measures to ensure a sustainable future for the Noosa River system has been unveiled. Last week, I joined Natural Resources Minister, Stephen Robertson, and Noosa MP, Cate Molloy, to release the draft Noosa River Plan 2003 for public consultation. The Noosa River is a Queensland icon and one of the state's most important waterways. I table a copy of the draft Noosa River plan for the House. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

The Noosa is a relatively natural river system with particularly high environmental and scenic values, a highly sought-after recreation and tourist destination plus an important fisheries resource.

Management of the Noosa River presents complex challenges because of the need to preserve water quality, monitor and enforce rules regarding effluent removal and address tourist activity including use of water craft and noise pollution.

That's why my Government and Noosa Shire Council banded together to produce a plan that ensures we sustainably manage this magnificent river system.

The draft Noosa River Plan 2003 provides a vision and framework for a coordinated and consistent approach to the planning, development and management of public use of the Noosa River system.

The challenge is in striking a balance between the environmental needs of the Noosa River and the tourism, community recreation and industry demands on the system.

The draft plan set out a number of desired environmental outcomes relating to various waterways issues, including bank and bed habitat, water quality, visual amenity, safety and cultural heritage.

It also presents desired environmental outcomes for various river uses and activities, including jetties, moorings, living board vessels, boat ramps, commercial operations and motorised water sports.

There will be extensive community consultation over proposed measures recommended in the draft plan.

Both the Government and the Council are looking forward to a vigorous response when community consultation begins in mid January 2004.

All relevant submissions should be incorporated into the plan by April 2004, after which the plan, including any proposed amendments, will be re-submitted to Cabinet and the Noosa Shire Council for consideration.

Copies of the draft Noosa River Plan 2003 and other information are available from the Member for Noosa's office and at Noosa Shire Council offices.

MINISTERIAL STATEMENT Greenhouse Gas Emissions

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 a.m.): As everyone knows, my government is committed to reducing greenhouse gas emissions and protecting the environment. That commitment was enhanced last week when I officially launched the Centre for Low Emission Technology at Pullenvale in Brisbane. I was joined by Innovation Minister, Paul Lucas, the federal Science Minister, Mr McGauran, and the member for Moggill, David Watson. This new centre will help make the Smart State a world leader in two things—producing low-cost electricity and addressing the issue of carbon emissions from coal. It also demonstrates our commitment to working with other governments and industry to meet the global greenhouse challenge. The Queensland government has committed \$9 million over four years towards the centre, with the CSIRO contributing another \$9 million. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

Tarong Energy, Stanwell Corporation, CS Energy, Xstrata and the University of Queensland have also indicated in-principle support for the Centre with possible contributions of \$2 million each over four years, which would bring total funding for the centre to \$28 million.

The development of this centre also acknowledges the importance of coal to Queensland's economy and the need to ensure we have a sustainable coal industry.

Coal accounts for 30 per cent of our total exports and we continue to export to new markets such as Germany.

Last financial year a record 129.2 million tonnes of coal worth \$8 billion was exported from Queensland.

Coal generates 88 per cent of our electricity and it contributes immeasurably to regional development.

Our high quality, cheap coal allows us to produce some of the world's cheapest electricity.

My Government intends to maintain that competitive advantage and the Centre for Low Emission Technology will help us achieve that.

The work at this new Centre will focus on advancing technologies that will capture greenhouse gases from electricity generation and minimise the amount of Carbon Dioxide released into the atmosphere.

It will also look at improving the environmental performance of existing coal-fired power stations and examine the commercial potential for cogeneration with renewable energy sources such as sugar cane bagasse.

The Centre will also seek further collaborations with the coal and generation industry, research and development providers, the Federal Government and international partners.

I am proud that some of Australia's leading scientists are working at this centre.

Their revolutionary research will help turn around the perceptions that have given coal a bad name and will deliver dividends not only to the environment, but also to consumers, by helping Queensland maintain a viable coal industry and cheap electricity prices.

I thank the Commonwealth and the CSIRO for working with us on this project.

MINISTERIAL STATEMENT e-democracy

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 a.m.): As this is the last sitting of parliament for the year, it is timely to acknowledge my government's e-democracy commitments which have helped to bring our parliament and government closer to

the people of Queensland. In particular, and for the first time ever, Queenslanders have been able to listen to live broadcasts of Queensland parliamentary proceedings via the Internet. This virtual experience of parliament has been popular with Queenslanders, particularly those living in rural and regional areas, who do not have the time or cannot be physically present here in Brisbane. Almost 4,000 online requests for live parliament have been made since its launch on the Internet in April this year. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

I am pleased that Queenslanders are truly interested in the workings of their Parliament. On average, they log onto Parliament sessions for more than two hours at a time, with debates on Bills and Question Time being the most popular periods.

This is an important initiative of the Queensland Government because we are committed to improving the community's role in the processes of democracy and government.

Queenslanders have also supported two other e-democracy initiatives developed by my government, with the e-petitioning system now continuing following its successful trial.

Twenty-six e-petitions on varied subjects have been tabled in Parliament since the trial began in August 2002; while 7 are still open for community support.

Almost 10,000 signatures supporting the e-petitions have been recorded on the site.

The third e-democracy initiative, the online community consultation tool, called ConsultQld, has also been well received since its launch in May this year. More than 400 students and adults commented online to Education Queensland's consultation on the Middle Phasing of Schooling.

Currently, we are seeking community feedback online to guide policy and service development in two key areas of Queensland life—education and planning for Queensland's ageing population. As these two online consultation activities will help shape the state's future I encourage all Members of Parliament to support the public use of this online consultation tool.

We care about what the people of Queensland have to say and we are here to listen and respond to their views in the best way that we can. These e-democracy initiatives are just one part—a very important part—of my government's commitment to providing Queenslanders with practical and innovative ways to participate in government.

Clearly, by the way in which Queenslanders have embraced the e-democracy initiatives, they have a genuine place in the Smart State.

MINISTERIAL STATEMENT

Code of Ethical Practice for Biotechnology

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.38 a.m.): The world's first Code of Ethical Practice for Biotechnology—developed by the Queensland government in consultation with industry and the community—continues to excite international interest. The latest plaudit is an invitation from the Canadian government to be part of a panel discussion on biotechnology ethics at BIO 2004, the world's biggest biotechnology conference. I seek to incorporate the full details of the ministerial statement in *Hansard*.

Leave granted.

The panel will include international experts on regulation, and discussions will focus on innovative approaches to regulating emerging technologies—like biotechnology.

The invitation to the Department of Innovation and Information Economy stems from the Canadian Government's recognition that our code is an international benchmark for biotechnology regulation.

The Canadian Government has been investigating the feasibility of developing a code of practice for biotechnology, and is using the Queensland Code as a model.

Canada isn't the first nation to take an interest in the Smart State's Code of Ethical Practice for Biotechnology.

South Africa and New Zealand are enthusiastic about using our code as a blueprint for their own regulatory frameworks.

And the Office of the United Nations High Commissioner for Human Rights has sought copies of the code for its policy deliberations.

Our code was released in September 2001 to ensure Queensland biotechnology is safe and ethical.

It encompasses health care, agriculture, food and the environment.

The Government expects all organisations involved in biotechnology to follow the Code as industry best practice.

It's a working example of innovative governance—promoting growth in new industries and new jobs while ensuring that all processes are open, transparent and accountable.

MINISTERIAL STATEMENT
Suncorp Stadium

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.38 a.m.): For the record of this parliament, I table a collection of comments on the success of Suncorp Stadium. I am happy and proud that we now boast the finest purpose-built football stadium in Australia.

Mr Mackenroth: In the world.

Mr Schwarten interjected.

Mr BEATTIE: I take the interjections of the Deputy Premier and Minister for Public Works. It is indeed the best in the world. I seek to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

Sometime ago I did hear some criticism from those opposite about it.

They have, since we last met here, been trying their best to get a negative yarn in the media about who accepted our hospitality to the Rugby World Cup.

The frustration is that we did as promised and immediately after the last world cup game here we did publish the list of those who accepted our offer.

The rest of Queensland—and indeed even the residents who live nearby—are happy and proud that we now boast the finest purpose-built football stadium in Australia.

QUOTES ON SUNCORP STADIUM

(Sports Industry)

John O'Neill—ARU Chief Executive

The Courier-Mail (26-02-03)

Brisbane's new stadium has beaten all my expectations.

It'll be superb for the World Cup and meets all the requirements to hold an iconic sporting event like the Bledisloe.

Channel 7 News (25-02-03)

... it's right up there with the best football stadiums in the world.

You're right on top of the action, there's not a bad seat in the house.

The opportunity now exists for more big matches to come to Brisbane ...

The Courier-Mail (30-09-03)

Suncorp Stadium is the best rugby union venue in the country.

Gold Coast Bulletin (30-09-03)

... in terms of atmosphere and proximity to the field of play....this ground (Suncorp Stadium) is fantastic.

Brisbane Marketing's Official Rugby World Cup 2003 Visitors Guide (Oct 03)

... Suncorp Stadium is truly one of the great rugby stadiums in the world.

The Courier-Mail (07-10-03)

As reported by journalist Wayne Heming—O'Neill ... rated Suncorp Stadium up with Cardiff's Millennium Stadium and the Stade de France in Paris as the best in the world ...

The Sunday Mail (09-11-03)

The teams have played on a surface that is of international standard. We have only had positive feedback from the teams and high praise from the chairman of the International Rugby Board, Dr Syd Millar.

There's not a bad seat in the house ... proximity to the action, even from the top of the Stadium, allows you to feel every tackle.

Matt Carroll—Rugby World Cup

SKY News (14-04-03)

From the design and from what I have seen in site inspections, it is going to be the best rugby venue in the country.

Wayne Bennett—Broncos Coach

Channel 7 News (24-02-03)

... the opposition teams are going to want to play here too.

Ben Tune—Wallaby

612 ABC Brisbane (14-01-03)

The crowd is going to be extremely close to the players and obviously that's good for the crowd, but it's also good for the players.

English Rugby World Cup Team Rep

Westside News (07-05-03)

... Suncorp Stadium will arguably be the best rugby union stadium in the world.

Darren Lockyer—2003 State of Origin Player

The Australian (13-05-03)

I always thought the best stadium in Australia for rugby league was the Sydney Football Stadium but I think this one (Suncorp Stadium) will probably overtake that because it's so enclosed and the feeling you get. It's only going to create even more atmosphere.

Matt Sing—2003 State of Origin Player

Townsville Bulletin (13-05-03)

You can tell it (Suncorp Stadium) is going to have great atmosphere and will just be an awesome stadium ... it would be a great feeling to be playing out there.

Andrew Johns—Knights, NSW and Australian Captain

Sunday Mail (01-06-03)

Breath-taking! That is the only way to describe my first look at the newly developed Suncorp Stadium ... I would go so far as to say it is the best ground I have ever seen ...

Gorden Tallis—Broncos and Queensland Captain

Sunday Mail (01-06-03)

I have played on grounds around the world with the Broncos and Australia but I can tell you there is nothing like (Suncorp Stadium).

Dr Syd Millar—RWC Tournament Chairman

ARU Website (July 2003)

Indirect quote: was noted as saying he was enthused about the Suncorp venue and ranked it with Cardiff's Millennium Stadium, Dublin's rebuilt Croke Park and Manchester United's Old Trafford soccer stadium, as a top-tier ground.

Direct quote: It's a ground of real atmosphere with the fans so close to the action.

Mat Rogers—Wallaby Centre

The Courier-Mail (06-08-03)

It's the best football stadium in the country. Awesome.

Wendell Sailor—Wallaby Winger

The Courier-Mail (06-08-03)

I told Peter Beattie, 'I don't care what people say, it's worth every cent'.

Shane Webcke—Brisbane Broncos Front Row

The Courier-Mail (15-07-03)

The Stadium is brilliant ...

Denis Keffe—CEO Cowboys

The Sunday Mail (28-09-03)

(In reference to the Broncos) ... they play at one of the best stadiums in the world ...

Wendell Sailor—Wallaby Winger

The Courier-Mail (08-11-03)

Over the last decade Brisbane have done well to produce a world-class Stadium with a world-class surface to go with it, all the guys have said it—myself, George Gregan, Toutai Kefu—it's probably close to the best stadium we've played at in the last 10 years of our careers.

(Opinion Leaders)

Peter Beattie—Premier of Queensland

Sunrise Channel 7 (30-05-03)

It (Suncorp Stadium) is going to be the best Stadium anywhere in the world.

John Howard—Prime Minister of Australia

Channel 10 NEWS (12-06-03)

I don't think I've been to a better-constructed rugby or rugby league ground anywhere in Australia.

Vaughan Johnson—National Party MP

Hansard (15-10-03)

I have to say to the government today that that stadium is absolutely magnificent.

(Journalists)

Mike Coleman—Courier-Mail Journalist

4BC Radio (05-12-02)

... It is absolutely sensational. I couldn't have visualised in a million years how good it would be ...

The Courier-Mail (15-03-03)

... the opening of Suncorp Stadium, unquestionably one of the World's greatest football arenas.

4BC Radio Sports Today with Greg Carey (12-11-03)

Mike Coleman discusses great stadiums in the world, including Suncorp Stadium.

The atmosphere at Suncorp Stadium is fantastic.

Greg Carey—4BC Presenter

4BC Radio (16-12-02)

This place is going to be one of the great sports stadium of the world.

Chris Adams—4BC Presenter

4BC Radio (02-04-03)

I have been down to have a look at it, and I've got to say it is a terrific stadium, it really is going to be a cauldron and a half. And if you think the old stadium was a cauldron, wait 'til you see this one.

John Miller—4BC Presenter

4BC Radio (30-05-2003)

... I think it is now great that Brisbane has two world class sporting venues ... the Gabba and now Suncorp Stadium.

Michael Whiting—sports journalist

Westside News (04-06-03)

Awesome. Sensational. Breathtaking. It is hard to find the words to do adequate justice to the redeveloped Suncorp Stadium ...

David Costello—journalist

The Courier-Mail (03-06-03)

The place (Suncorp Stadium) is a sensation for a long list of reasons, but the best aspect is being right on top of the action.

Editorial

The Gold Coast Bulletin (13-10-03)

Now everything about this stadium is world class: like all historic sporting events to watch them on TV is great—to actually be there is so much better.

Unidentified Fan on News Segment

Channel 7 News (12-10-03)

This is one of the best stadiums we ever visited. Awesome. I think it is magnificent. It's well worth every buck.

Bruce Wilson—London Correspondent

The Courier-Mail (10-11-03)

Great Sporting teams will come back to Suncorp Stadium and they will leave knowing it to be a great venue that speaks well for the city of Brisbane.

(Members of the Public)

POST- FIRST MATCH—reported by Catriona Mathewson

The Courier Mail (2-6-03)

Vanessa Bradley was clearly delighted at being so close to the field—"it's awesome. Absolutely awesome."

"Awe" was a common reaction amongst fans as they walked through the turnstiles for the first time, emerging inside the stadium to see the towering stands crouched imposingly over the edge of the field.

Keiran Douglas (the first person to walk through the turnstiles) "It gave me goose bumps. I was ecstatic."

Elizabeth Hook said "it is amazingly close. That's the best part."

Sam Betros said "They talked it up so much. But even then it's exceed our expectations."

Ray Thompson said "I don't think you need to talk about money once you get here."

Local residents were even happy with the new neighbours once the Stadium opened. John Trizioli (lives opposite the Stadium) said "we had to endure a lot of noise during construction, but now its all worthwhile."

DURING THE RUGBY WORLD CUP 2003

(Vox Pop with Steve Austin from ABC 612 Brisbane—3 November 2003)

REPORTER: Now you mentioned the stadium. There was a lot of controversy here in Brisbane about the rebuilding of this stadium. So now seeing it completely blind, do you think it's pretty good?

ENGLISH FAN #2: Oh it's an excellent, yeah fantastic. All of us have said, hand on heart, that it's an awesome stadium, awesome. We were sat in, like, category B ticket seats and the view, absolutely fantastic. Like the services and stuff around here, they're really good as well. I mean, I don't, can't say 'cause I don't know what it was like beforehand but at the moment it's yeah, excellent, excellent.

REPORTER: So what do you make of the venue, then?

ENGLISH FAN #3: Absolutely fantastic. I've seen it with quite a few guys and everyone's saying, 'why can't we build stadiums like this at home'.

True Colours (RWC Daily Newsletter)

A Barmy Army soldier's diary 3-11-03

... Match 4 Uruguay—Brisbane

"Great atmosphere as at every game and by far the best stadium so far—this one was actually made for rugby and not Aussie Rules!"

Letter to the Editor

Courier-Mail on 11-11-03

I felt compelled to write to say that Suncorp Stadium is spectacular. I am travelling up the east coast and was lucky enough to attend the England-Wales match. I was blown away by the experience.

The venue rivals any other for design; it is comfortable and spacious. You get a good view from virtually anywhere in the ground and it's so nice to be positioned close to the pitch. Not only that but access to and from the ground and its location in Brisbane added to a thoroughly enjoyable and memorable occasion.

Joe Lemer, Bristol, UK

MINISTERIAL STATEMENT

Queensland Audit Office

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): I take this opportunity to inform the House that the Governor in Council has approved for Richard Anderson and Henry Smerdon to jointly undertake the strategic review of the Queensland Audit Office. The Governor in Council has also approved the terms of reference for the strategic review. I table the terms of reference and seek to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

Richard Anderson is a former Managing Partner with PricewaterhouseCoopers, past President of the Queensland Division of CPA Australia, Chairman of the board of Data#3 Limited and member of a number of boards, including Namoi Cotton Co-op Ltd, Lindsay Australia Ltd and Villa World Ltd.

He is also president of Guide Dogs for the Blind Association of Queensland.

Henry Smerdon is a former Queensland Under Treasurer who is an independent management consultant.

During his time as Queensland Under Treasurer, he presided over significant reforms of public sector financial management.

Mr Smerdon is also a Fellow of CPA Australia.

Mr Anderson and Mr Smerdon are well qualified to examine auditing methodologies and conduct the review.

Both have a high professional standing and a sound understanding of public sector auditing.

Both are distinguished and highly experienced in their professions.

Under the Financial Administration and Audit Act 1977, a Strategic Review addresses the Auditor-General's functions and performance to determine whether they are being performed economically, effectively and efficiently.

The Terms of Reference will allow Mr Anderson and Mr Smerdon to examine all structural and operational aspects of the Queensland Audit Office, as well as its relationships with public sector entities, relevant Ministers, the Treasurer, myself and the Parliament.

The Strategic Review will begin next month, and it is anticipated the reviewers will report in mid-2004.

For the information of the House, I table the approved Terms of Reference for the Strategic Review of the Queensland Audit Office.

MINISTERIAL STATEMENT

Ms J. B. McAdam

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.39 a.m.): On a number of occasions I have stated that big business should be more charitable and help governments deliver essential services to battlers. On 3 April in parliament I gave a strong endorsement of the Queensland Community Foundation and its chair, former Premier Mike Ahern. I raise this matter because I want to highlight another Queenslander's generosity. Jill Bain McAdam deserves recognition. Ms McAdam died in May, aged 88. The former hairdresser left \$8 million to charity. The Heart Foundation, the Royal Queensland Bush Children's Health Scheme, the Queensland Institute of Medical Research, Legacy, the St Vincent De Paul Society, the Red Cross, Guide Dogs for the Blind and The Salvation Army each received \$1 million from her. I seek to incorporate the rest of the details of this ministerial statement in *Hansard* and encourage others to follow her example.

Leave granted.

Mike Ahern believes that by the end of the decade, the Queensland Community Foundation could possibly generate a total of half a billion dollars or more in bequests.

His forecasts have been spot on up to now, so there appears no reason why this cannot be achieved.

I say this for couple of reasons—to help bridge the widening gap between rich and to rebuild public confidence in the corporate sector.

I am always heartened to know companies or individuals who make donations to help life better for the have-nots.

It captures the Smart State philosophy perfectly, because it encourages excellence in every field of endeavour, including the philanthropic sector.

As I mentioned earlier, the Heart Foundation, Royal Queensland Bush Children's Health Scheme, Queensland Institute of Medical Research, Legacy, St Vincent De Paul Society, Red Cross, Guide Dogs for the Blind and The Salvation Army each received \$1 million from Ms McAdam.

Just imagine how many people will benefit from such a magnanimous gesture?

We all owe a thought for Ms McAdam.

MINISTERIAL STATEMENT

IBM Business Consulting Services

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.): My government's Smart State strategy is taking hold and now the world is taking notice. I want to add to what the Minister for State Development, Tom Barton, said yesterday. World business giant IBM Business Consulting Services—Plant Location International, IBM-PLI, has released its global rankings for September 2003. No other state in Australia is in the top 10. Queensland ranks number nine behind four regions in China, two in India and two in the United States. This is showing that the Smart State is going to the world. I seek leave to incorporate the rest of my ministerial statement in *Hansard*

Leave granted.

IBM Business Consulting Services—Plant Location International, rightly names Australia in the top 10 countries for inward investment—actually number 10 behind China, the United States, India and the like.

But having done that—it drills down even further to identify the top 10 regions in the world for inward investments.

No other State in Australia is in their top 10.

This is a real coup and a recognition of our aggression in marketing the State

You might ask what does IBM Business Consulting Services—Plant Location International (IBM-PLI) do?

It helps businesses to research, evaluate, select and negotiate preferred solutions for relocating, acquiring, expanding or consolidating and closing business operations worldwide.

After more than 40 years of helping some of the world's largest and best-known businesses with their international business location issues, it delivers industry expertise in 18 different industries.

Its client base includes: General Motors, Sony, Heinz, Kelloggs, Nike and Nissan.

It uses its extensive experience working with corporate investors to work with government agencies in countries and regions all over the world to help them develop and implement strategies to attract foreign investment and achieve their economic development objectives.

In other words we have been ranked by a world-recognised player as one of the top 10 places in the world in which to invest.

My government's efforts have put us on the world map.

MINISTERIAL STATEMENT

Wine Industry

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.): I want to highlight my support for David Russell QC. David is the President of the Queensland Wine Industry Association—the state's peak wine industry body. He has supported the wine show, which is on Briz 31. I will do everything that I can to support the wine industry and I want to congratulate David on his support as well. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

I have gone to extraordinary lengths to promote the State's wine industry.

From grappling with the now Leader of the Opposition in a wine crush at Stanthorpe to having our wines served at trade functions all round the world.

I have now added another element to this.

Briz 31 has a new show ... The Wine Show it appears on Fridays and Mondays at 8.30pm.

Scotty and Mark have grilled me on my tastes and my reasoning for supporting this fabulous industry.

I must apologise in advance as there is one moment of that interview where I used unparliamentary language in relation to one prominent person who has in recent times made critical comment about the State's wine industry.

The Wine Show is made possible with the support of a number of the State's wine industry leaders.

Among them is David Russell, QC. David is the President of the Queensland Wine Industry Association—the state's peak wine industry body.

David says the main objective of the Queensland wine industry is to convince Australians to accept Queensland wine, as being of equal standard to wine from other parts of the country, and to encourage them to travel to wine tourism areas, to enjoy a total experience of Queensland food and wine as part of the state's renowned hospitality.

I agree.

No government in this State has done more than mine in promoting and furthering this exciting industry.

We will stand shoulder to shoulder with David and his Association to make sure that this industry is rightly acknowledged for what it is—the equal of any in the nation—if not the world.

Speaking of successful Brisbane television shows—Network Ten recently announced the launch of Behind TEN News, now named TTN, which stands for The Total News, stepping into the gap left by the cancellation of the ABC's long-running news program for primary school children.

The 30-minute weekly news program will draw on the combined resources of TEN's extensive local and international newsgathering expertise, and the Network's multi-award winning Children's Production Unit.

Launching at the start of the school term in 2004, TTN will explain the main news stories of the week in a format school-age children can relate to, and will also go behind the stories, linking the topics through to related or broader subject matter.

The aim is to both enhance students' understanding of current issues and develop their appreciation of the wider context.

MINISTERIAL STATEMENT

Gold Coast Schoolies Week 2003

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.41 a.m.): Last night, I had the pleasure of visiting Surfers Paradise, along with the Police Minister, Tony McGrady, and my wife, Heather, and saying g'day to a number of celebrating school leavers. It truly was a pleasure, because it confirmed for me that these are terrific young people who want nothing more than to celebrate the end of their school years and the start of a new phase in their lives.

That tens of thousands of schoolies are able to party in safety is due in no small part to the work of more than 1,200 volunteers, who are the unsung heroes of schoolies week, as well as the exceptional skills of some 285 police—I say to the Police Commissioner Bob Atkinson and the service, well done—and a team of 12 liquor licensing officers, supported by emergency services, ambulance officers, and Fire Service officers. They have all built an excellent rapport with the young people from three states who have converged on the Gold Coast.

Of course, there was always going to be some friction. Last night the crowd at Surfers Paradise peaked at an estimated 12,000 to 15,000 people. In the 24 hours to 5 a.m. today there were a total of 39 arrests—37 males and two females—on 45 charges. Fifteen of those arrested were schoolies: 14 from Queensland and one from New South Wales. Offences included 14 for drunkenness, 19 for disorderly behaviour, two for indecent behaviour, two for drugs, one for insulting, one for assault, four for obstruction, and two for possession of a knife.

On the positive side, the Queensland Ambulance Service advises that there was no evidence of significant drug related issues over the past few days. Some credit for this must go to police who made some substantial drug hauls in the prelude to schoolies week. In another important operation, police have charged five Brazilian men temporarily living in Queensland with charges including assault occasioning bodily harm in company whilst armed and common assault. On 24 November, they allegedly used a handycam video recorder and tape to view females on the beach. Assaults allegedly followed when offenders were chased. Liquor Licensing has inspected a total of 241 premises to date and enforcement action has been taken in respect of 94 premises. They have checked 652 patron IDs. Overall, schoolies comprise 28 per cent of enforcement action.

I also commend the businesses that are supporting the volunteers through donations of food, drinks, prizes and equipment. As well as food, drinks and equipment, the donors are supplying prizes such as holidays and balloon rides. Volunteers' names go into a nightly draw every time they register for a shift and there will also be a major prize draw at the end of schoolies week.

I also congratulate the Commission for Children and Young People for ensuring that volunteers had been checked for suitability to work with young people. While most volunteers already had blue cards, the commission has diligently issued 385 blue cards to Gold Coast Schoolies Week volunteers in recent weeks. I seek leave to incorporate in *Hansard* the names of the businesses making donations to support volunteers.

Leave granted.

Muffin Break stores at the Paradise Centre and Burleigh; Donut King stores at Pacific Fair (2 stores) and Chevron Renaissance; Goldsteins Bakery; Pauls Milk; Ferraro Australia; The Vege Chip Company; McDonalds (Cavill Avenue); Chocolate Fare; Quality Coffee; Old Time Photos; Palm Spring Water; All Light; Day Brothers Productions; Gold Coast Holiday Hire; Wet 'n' Wild; Gold Coast Arts Centre; Champaign Sailing Cruises; Currumbin Wildlife Sanctuary; Michael Dibb; Springbrook Glow Worms; Dracula's Cabaret Restaurant; Putt Putt Mermaid Beach; Leisure Lee Holiday Apartments; and Shelly's on the Beach.

Mr BEATTIE: Finally, can I say in relation to schoolies week that, yes, there were always going to be issues, but I am pleased to see that, by and large, schoolies have been behaving themselves and having a lot of fun. I want to thank the schoolies for being responsible and mature. I hope that they enjoy the rest of schoolies week.

MINISTERIAL STATEMENT

Education

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.44 a.m.): Today, my government has been in office for five years and five months. Education has come a long way in less than six years. Children starting school in Queensland in January 2004 will enter a very different education system from the children who started school in January 1998. There is a new vision for education in Queensland with a new appreciation that the skills that our children learn at school will lay the foundation for the future of the Smart State. Their system will be much better resourced with a 2003-04 budget of \$4.488 billion—42 per cent larger than the 1998-99 budget of \$3.158 billion. At 66 state and non-state schools, children starting out in 2004 will be part of an \$18 million, three-year trial of a full-time prep year. They will be in formal education for longer than any Queensland children before them, because from 2006 children entering year 10 will stay at school at least until they finish the year or turn 16. After that, they will continue in education or training, learning or earning until they are 17, or have gained a Senior Certificate or a

Certificate III vocational qualification. Children starting out in January 2004 will have more teachers and they will be among the best-paid teachers in the nation.

Before our re-election in 2001, we made a four-year commitment to employ an extra 800 teachers on top of those who are needed to keep pace with the growth in student population. So that is extra teachers. In 2001, 147 extra teachers were hired; in 2002, 135; in 2003, 191; and an extra 327 will come on board in 2004. In 2004, year 1 students can look forward to smaller classes in the crucial middle years of schooling because by 2007 we will reduce class sizes in years 4 to 10 from 30 to 28. Queensland teachers in these years will have the smallest classes in the country. This is the first cut to class size targets in over 20 years and the government will make it happen by hiring up to 300 new state school teachers and 180 teacher aides at a cost of about \$38 million.

These children will have more computers, courtesy of an extra \$121 million over four years, from 2002-03 for better knowledge and training. We are ahead of schedule in our computer commitments. In 2002-03, we delivered about 5,000 extra computers to those state schools most in need. We have connected an extra 1,198 classrooms to the Internet and we have already hit the target of one computer for every five students in years 3 to 12 by the end of 2004.

Our children will enjoy better cooling facilities because we have invested an extra \$350 million over three years as part of a \$1 billion infrastructure program and \$129 million in airconditioning. Since 1998, 33 new schools, or new stages of schools, have opened and another three will open next year. Sixty-three of Queensland's older state and high schools have a new lease of life through the \$147 million Secondary Schools Renewal Program. In addition, we have delivered on a 2001 election promise of a three-year repainting, reticulation and reroofing program, fixing outstanding maintenance at 818 state schools and also funding non-state schools.

In keeping with our determination to build the Smart State, Education Minister, Anna Bligh, has made science more exciting. From this year, \$14 million is being churned into a three-year plan to boost the number of science students and attract and retain school science teachers. Already state school retention rates have increased from 71.7 in 1998 to 76.1 in 2003. This trend is destined to continue.

It is just nine weeks before the new generation of Queensland school students embark on their school careers. For some it will be the most exciting and nervy day so far in their young lives. I guarantee these children and their parents that we are working to make their education better and better as they move through their school years.

MINISTERIAL STATEMENT

Budget Accommodation Buildings

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.48 a.m.): On 21 August I tabled a list of budgetary accommodation buildings that had not met basic fire safety compliance standards. I update the parliament on that and seek leave to incorporate the details in *Hansard*.

Leave granted.

I took that step after initial inspections by fire and local council officers revealed that the owners of about 90% of the State's budget accommodation buildings had taken little or no steps to address their fire safety responsibilities.

Building owners had been given a whole year to carry out what are fairly basic upgrades.

Given the enormous amount of publicity since the tragic Childers backpackers and Sandgate boarding house blazes, it was hard to believe that so many boarding houses, hostels, backpackers and country hotels had achieved little or no improvements.

The new laws require all of the State's budget accommodation buildings to meet minimum fire safety standards, including the installation of alarm systems, emergency lighting and the development of fire safety management plans.

Today I am pleased to say that things are improving.

Information collected by the Queensland Fire and Rescue Service as at November 14 reveals that more than half (58%) of buildings inspected have totally met the new requirements.

These buildings will be issued with a Letter of Recognition outlining their compliance.

Some owners who have already been issued with a Letter of Recognition have chosen to display these letters of compliance so that guests and visitors can see quickly that they have met their fire safety obligations.

I congratulate them for their actions.

Between July 1, when the inspection program began, and November 14, a total of 1,448 inspections have been conducted.

Of these, 972 were first inspections and 476 were follow-up inspections to assess upgrading work.

Of the 476 follow-up inspections, 374 buildings fully met the compliance requirements. That is a 79% success.

Overall, 568 buildings totally met the compliance requirements, while 404 either did not meet requirements or had sought and received time extensions to complete their fire safety improvements.

When I raised this issue in Parliament three months ago, only 77 buildings fully met the new requirements of the Building and Other Legislation Amendment Act 2002.

It should be pointed out that many of the buildings assessed as being overall non-compliant have met some of the requirements and only have a small amount of remedial work to do in order to totally meet compliance requirements.

I would like to stress that considering there are more than 1,000 buildings in the budget accommodation sector in this State there is still some way to go.

A major reason for this delay is because many building owners chose to wait until after the inspection process began before they started work.

The State's fire officers are confident that compliance levels will continue to rise.

Once firefighters have completed the statewide inspection of hostels and boarding houses it remains my intention to table in Parliament a full list of those buildings which have met compliance requirements.

I am advised this process should be completed early in the New Year.

This government is committed to ensuring that we do everything possible to make these hostels, backpackers, boarding houses, country hotels and supported accommodation buildings as safe as is humanly possible.

MINISTERIAL STATEMENT

State Accounts

Hon. T. M. MACKENROTH (Chatsworth—ALP) (Deputy Premier, Treasurer and Minister for Sport) (9.48 a.m.): I table Queensland State Accounts 2002-03, which proves we remain Australia's economic powerhouse. Queensland recorded economic, or gross state product, growth of 4.2 percent in 2002-03. That is well above the rest of Australia on 2.5 percent—a whole 1.7 percentage points higher to be precise. The 4.2 percent result follows on from five percent the year before—2001-02—continuing the run of strong growth since we returned to office in June 1998.

The strengthening of the Australian dollar, the drought and external shocks such as the SARS virus have all been set against the backdrop of an uncertain global economy, and they have all had an impact across the country. Nevertheless, domestic activity continued to drive our growth last financial year and more than offset the bad news from net exports. In fact, gross state expenditure increased by a stunning 8.1 per cent, which is the strongest growth recorded in Queensland's domestic economy since the late 1980s.

The document I table today shows that we have outperformed the rest of Australia in almost all key areas of the economy—everything from private and business investment to household consumption. There is even good news to come out of the recent surge in imports. They may have been detrimental to our economic growth outcome for 2002-03, but a sizeable proportion of it has clearly been investment goods, particularly machinery and equipment. Therefore, in the longer term this will be beneficial for Queensland. This form of capital investment helps to increase the future productivity of our firms and industries, contributing to economic growth in the years to come.

When we put these figures in context we see that Queensland's performance can be described as truly outstanding in global terms. Strong population and employment growth have underpinned Queensland's domestic economy. Our trend unemployment rate of 6.3 per cent is currently at its lowest level in more than 21 years. It has dropped by more than three percentage points from the peak of 9.5 per cent under the Borbidge coalition government in 1997. When we look at economic growth over an extended period we see that Queensland has now exceeded growth in the rest of Australia in all but one of the past 11 years. Queensland's economy has even picked up at a faster rate since our government came to office, averaging 5.1 per cent a year.

We have worked extremely hard to foster the type of environment which has allowed our economy to grow and outpace all other states. We will continue to do so because we want Queensland to remain the best place to live and do business.

MINISTERIAL STATEMENT

Class Sizes

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (9.52 a.m.): Australia's smallest class sizes will begin to arrive in the classrooms of Queensland schools from day one, term one next year. They will start to arrive with the employment of more than 300 teachers. The appointments will include 22 teachers for the new preparatory year classes and another 305 teachers to cut the number of students per class and give teachers more time for curriculum development work.

The Smart State starts in our classrooms, and these extra teachers will put Queensland state schools at the cutting edge of learning and support improved student outcomes. Our government has committed to reducing class sizes from 30 to 28 in years 4 to 10 by the start of the 2007 school year. We want to give children in the crucial middle years of learning the very best chance of success.

These extra teachers deliver on the state government's 2001 election promise to employ 800 extra teachers over four years. These extra 327 teachers are on top of the 473 appointed between 2001 and 2003. This is the fulfilment of a promise that represents the largest single initiative to increase classroom teacher numbers and the only one focused on reducing class sizes since 1980.

The allocation of the extra teachers for 2004 involved a detailed process to identify the schools most in need of the additional resources. Panels of local educational representatives have allocated the teachers to schools in areas where they can deliver the greatest benefit. The commitment to reduce class sizes is the centrepiece of the state government's middle phase of learning state school action plan released in August this year. The reduction in middle class sizes will be staged to reach a target of 29 by the start of the 2005 school year and 28 by 2007. Schools will be advised over the coming week of the allocations of these new teachers. I look forward to these new teachers arriving in our classrooms and making their contribution to making Queensland the Smart State of Australia.

MINISTERIAL STATEMENT

Transport and Main Roads Portfolio

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (9.54 a.m.): During the term of the Beattie government we have seen major developments in the Transport and Main Roads portfolio. These achievements have made life safer and easier for Queenslanders and changed the way we plan and provide transport infrastructure and services. In south-east Queensland the Beattie government has created a world-class transport network underpinned by the Integrated Regional Transport Plan for south-east Queensland. Among the many achievements have been the highly successful South East Busway and the nearly completed Inner Northern Busway. The South East Busway has encouraged an additional 1.74 million public transport trips in Brisbane each year.

This same commitment has also been applied to the Citytrain network. Since 1998 the Beattie government has invested more than \$330 million on the network. This government recently announced a further \$400 million Citytrain rolling stock and infrastructure package.

The state government agency TransLink is a major component of this state's revolution in public transport. In an Australian first, TransLink will drive integrated ticketing and coordinated public transport services for south-east Queensland commuters. To complement these outstanding public transport initiatives, the completion of the truly world-class motorway was achieved linking the key growth areas of Brisbane and the Gold Coast as well as the important port of Brisbane motorway, which further opens trade opportunities along the east coast.

As a far-north Queensland resident I have been strongly committed to transport planning and infrastructure in regional areas. We have worked with local government to develop integrated regional transport plans in Cairns, Townsville, Mackay, Gladstone, Wide Bay and the Darling Downs, among others.

Along the east coast of Queensland rail travel has been revolutionised through the introduction of tilt trains. This work has been enhanced through major rail track upgrades from Rockhampton through to Cairns. We have also recognised the economic, employment and social benefits of rail in regional and rural Queensland through funding regional freight and Traveltrain services.

The transport network in rural and remote Queensland has been boosted through a range of activities including new urban and long distance bus contracts between regional centres, extensive funding for infrastructure at rural and remote airstrips, particularly in the Torres Strait, and the introduction of new five-year air service contracts.

Major regional road initiatives in this time have included the Georgina River bridge at Camooweal, upgrades to the Flinders and Barkly highways, construction of the Gladstone port access road and significant upgrades along the Peninsula Development Road and the Cooktown Development Road, to name but a few.

The Beattie government is focused on making a difference to Queenslanders, not just building a series of major projects. We have concentrated on reducing Queensland's road toll. To that end, the state's road toll has been lower than the Australian average for each of the past three years, despite our decentralised population.

As is evidenced in this brief snapshot, the Transport portfolio has been a significant contributor to the government's five key priorities over the past five years. I would like to thank all of the officers from Main Roads, QT, Queensland Rail and the port authorities who have contributed to these achievements.

ELECTORAL COMMISSION

Reports

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (9.57 a.m.): I table for the information of honourable members, in accordance with the Electoral Act, reports on inquiries of the Electoral Commission into the conduct of the preselection ballots by the Liberal Party of Australia, Queensland division, and the Queensland Greens and the post-election audit of the conduct of preselection ballots relating to the Maryborough by-election.

MINISTERIAL STATEMENT

Dangerous Prisoners (Sexual Offenders) Act

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (9.58 a.m.): In June this year this parliament passed historic laws stepping up the level of protection for the community against dangerous sex offenders. The Dangerous Prisoners (Sexual Offenders) Act has created a contemporary scheme to protect the community—a new process for assessing imprisoned violent sex offenders who pose a serious danger to the community because of their risk of re-offending after release.

These new laws are about protecting our families and our children. They are being applied to only a small group of prisoners—the most dangerous sex offenders in our prison system. It is not the government who decides whether a prisoner should continue to be held in prison. That is a matter for the courts in response to applications by me in my role as Attorney-General. The court assesses the likely risk and has the power to impose either a continuing detention order or an order requiring strict supervision upon release. Or indeed, it can dismiss an application entirely.

On 17 November the Court of Appeal rejected my appeal against the rejection of an application under the dangerous prisoners act for a prisoner, Mr David Watego, a serious sex offender for whom I sought continuing detention. There is no doubt that some applications will be difficult under this legislation. Not all will succeed, but I will not be deterred from approaching the court where I believe it is in the public interest.

Following the Watego decision, my colleague the Minister for Police and Corrective Services and I instituted two significant changes to our working guidelines. First, the early warning system whereby Corrective Services identify serious sex offenders who may pose a possible danger to the community if released from prison has been extended from six months to at least one year. Second, the Crown Law office is required to advise me of any potential applications under the dangerous prisoners legislation at least three months prior to a prisoner's scheduled release date. These two measures will strengthen the guidelines for community protection.

Our government has taken unprecedented steps to respond to community concerns about child sexual abuse. We have overhauled existing laws and introduced tougher penalties. We have introduced new offences. We have provided more sentencing flexibility for the judiciary and better protection for victims in the court process. We introduced a new Internet offence into the Criminal Code carrying a maximum penalty of 10 years imprisonment for trying to procure a child

for a sexual encounter. We introduced a requirement for community corrections boards to advise police whenever a convicted sex offender is given supervised release. We increased maximum penalties for indecent treatment offences. They are now the toughest in the nation—20 years for indecently treating a child under 12 years of age and 14 years for indecently treating a child under 16 years of age compared to the current maximums of 14 and 10 years respectively.

We have also given the courts tough new powers to order sex offenders to report regularly and in person to police after their release. We have introduced measures to protect children giving evidence in court, particularly in cases of sexual abuse. All of these measures are helping to make Queensland a safer place. Our government's dangerous prisoners legislation, described on ABC Radio yesterday morning by Bravehearts' Hetty Johnston as 'fantastic', is the first of its kind anywhere in Australia. We make no apology for that, and we will continue to do whatever it takes to ensure the legislation works effectively to provide the strongest possible protection for the Queensland community.

MINISTERIAL STATEMENT

Telecommunications; Biotechnology; Energy Industry

Hon. P. T. LUCAS (Lytton—ALP) (10.02 a.m.): 2003 has been a year of big wins for the Smart State. Effective, affordable and accessible telecommunications are one of the most important issues in Queensland. We are Australia's most decentralised mainland state and we need technology to help us reach across the miles. This government does not want to create a community of haves and have-nots. In the past year, the Beattie government has been able to get a commitment to build 89 new mobile phone towers without costing taxpayers a cent. In return for our \$18 million annual mobile phone business, Telstra and Optus have committed to build up to 89 new mobile phone towers which will reach into rural and regional areas where they are needed most. We have not had to get our hands into taxpayers' pockets to do this or sell off a public asset like Telstra.

Regional Queensland's access to high-speed broadband has been given a boost thanks to GOC Ergon Energy, which has been rolling out 300 kilometres of fibre optic cabling between its substations in eight regional towns and cities. It is doing this to improve telecommunications with its own network and will offer spare fibre to telcos so that they can go out there and sell broadband access to nearby businesses such as hospitals.

Next month we will achieve another first as the only state government to offer a public trial of wireless technology. I am launching this trial in December, and anyone who has a wifi-enabled laptop or hand-held device will be able to use it at one of 20 Brisbane hot spots. Again, 20 government sites, one contract, one organisation to deal with—a big advantage for the private sector.

2003 has also been the year my department managed a videoconferencing trial in the Torres Strait. The island watch trial is for Internet and video conferencing to doctors and specialists on the mainland. As well as the medical benefits for residents in the Torres Strait, this project has also meant a telecommunications upgrade by Telstra on four islands and installation of around 400 residential telephones across the entire region.

It has also been another big year for the Smart State's biotech sector. The Queensland firms attending BIO 2003 in Washington this year got \$24.75 million worth of business, and we had some fantastic announcements that caught global attention such as the deal between the Australian Institute of Marine Science and the US National Cancer Institute, which will screen marine extracts from the Great Barrier Reef for cancer fighting compounds. There was also the announcement of the QIMR beginning phase III trials into a cellular antimelanoma vaccine.

This year the Beattie government has reached the \$2 billion mark for its spend on science, research and innovation since 1998. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted

This spend is helping us build an international reputation as biotech hub in the Asia Pacific, and is helping our top-class researchers at JCU, USQ, the Mater Medical Research Institute, the QIMR, the BioScience Precinct, and a long list of others continue their great work.

This year we secured the rights to host Australia's biggest biotech event—AusBiotech 2004—which will be in Brisbane next November and will include a satellite conference in Cairns, so that delegates can see first-hand our unique biodiversity in our rainforests and reefs.

Cairns will also host another major international biotech event next year, the Asia-Pacific Forum on Tropical Health Innovation in July.

This international conference will allow our biotech industry to present its research to pharmaceutical companies, research organisations, international aid agencies, and researchers specialising tropical disease and nutrition.

Mr Speaker, the 3rd round of the Smart State Research Facilities Fund is now open to applicants and I'm looking forward to another huge response.

The Premier and I announced the 2nd round recipients at BIO2003 this year—and that we're topping up the fund with a further \$50 million dollars.

To date, we've allocated \$97 million dollars in this fund that's helping build world-class institutes for our researchers to work in and I look forward to hearing who will feature in the next round of recipients.

Finally, Mr Speaker, there have been some great outcomes this year in Queensland's growing energy sector.

In February, we had a red letter day for North Queensland when the Townsville Gas and Power Delivery Project reached financial close.

In August, the Premier turned the first sod on this \$500 million dollar project which will include:

- CH4's development of a coal seam gas production field near Moranbah;

- Enertrade's construction of a 391 kilometre pipeline from the gas field to Townsville and the nearby Yabulu power station; and

- Transfield's conversion of the existing open cycle peaking plant at Yabulu to a 220 megawatt combined cycle, base load gas-fired power station.

This project will transform the region's energy supply, delivering gas for the first time to fuel industrial development and base load electricity generation in Townsville.

It's also a flagship project for the State's booming coal seam gas industry with the development of CH4's gas fields at Moranbah which will supply gas via Enertrade's new 391 kilometre pipeline to Townsville.

2003 has seen further strides taken in clean green energy, with the commissioning of a power plant fuelled by waste macadamia shells—an initiative between SunCoast Gold Macadamias and Ergon Energy.

Stanwell has officially opened its 4.5MW mini-hydro that's using existing water that flows out of the Wivenhoe Dam to supply Brisbane residents with drinking water.

Government-owned Corporation Tarong built South Australia's first wind farm at Starfish Hill, which will 34.5MW wind farm will create enough energy to power 18,000 homes, and will have the same effect as taking 20,000 cars off the road each year.

And Qld continues to lead the way with the most green power customers.

For a state with 18% of Australia's population, we have some 34,000 green power users which is 40% nationally.

The Queensland Government is also one of the leading purchasers of green energy in Australia, buying 5% of its energy as green.

Mr Speaker, this year Queensland and the other states within the National Electricity Market have made great strides on NEM reforms, and I look forward to more being completed in 2004.

Ergon Energy and Energex have continued their large expenditure programs to improve the reliability of electricity supply to Queensland customers.

This year Ergon has increased its capital works and maintenance spend from \$380 million last year to \$480 million this year.

Similarly, Energex has increased its capital works and maintenance spend by \$54 million this year to a record \$327 million in South East Queensland.

MINISTERIAL STATEMENT

Second Term Achievements, Industrial Relations

Hon. G. R. NUTTALL (Sandgate—ALP) (Minister for Industrial Relations) (10.04 a.m.): The second term of the Beattie Labor government has helped to improve the lives of ordinary Queenslanders through greater job security, improved safety in the workplace, a better balance between work and family and, in turn, increased investment and job opportunities. I am pleased to say that my department has achieved each and every election commitment this term. Perhaps the most public face of industrial relations has been that of enterprise bargaining.

In the past two years, the government has successfully negotiated 53 wage agreements with more than 30 unions. Some 180,000 of our Public Service workers now have a wage increase of three and a half per cent per annum. Despite the so-called chaos through this time, Queensland recorded the lowest number of days lost to industrial action in the public sector in the history of Queensland's enterprise bargaining system. At the same time, official industrial disputation in Queensland—both public and private—fell to the lowest level ever recorded in this state. In the year to July, Australia lost 47,200 days to industrial action. Queensland lost just 700 and the majority of those were under the federal system, which this government has no ability to resolve. Our strike rate of 30 stands in stark contrast to the Borbidge government's 118 days lost per

1,000 workers. These figures are part of the package which encourage companies to want to come to this great state.

At the same time, this government and 19 unions agreed to a new enterprise bargaining system of processes to underpin public sector wage negotiations. But, perhaps more importantly, as the Minister for Industrial Relations, my job has been to find middle ground between unions and employers on a daily basis for much broader reforms for all workers than that offered through enterprise bargaining. This term we successfully introduced the most significant reforms to Queensland's workplace health and safety laws for 13 years, with broad support from unions, employers and industry. We have also introduced Queensland's first stand-alone electrical safety laws, Australia's first mandatory safety switches in homes and units, Australia's first strategy to reduce bullying in the workplace, the state's first young workers advisory service and long-awaited safety reforms in the building and construction industry, the sugar industry, the diving industry and the rural industry.

It took more than a year of negotiation and consultation to bring in compulsory rollover protection on tractors around Queensland to reduce the growing incidence of deaths and injuries. This term WorkCover premiums were kept at the lowest of any state in this country for the fourth consecutive year under this government while increasing benefits for injured workers and their families by up to a massive 25 per cent. We ended a 29-year impasse in cross-border workers compensation cover that was damaging Queensland's businesses and introduced a new definition of 'worker' that has been hailed by many other states for its ability to meet the needs of a rapidly changing work force.

We have introduced thousands more jobs through Sunday trading and recouped more than \$20 million in unpaid wages for Queensland workers with a success rate in court of 99 per cent. This term all recommendations of the pay equity inquiry of 2001 were approved by cabinet and we saw the introduction of Queensland's first minimum wage for all workers, not just those that are on awards. Since 2001 the government has given 180,000 casual workers in Queensland access to unpaid parental, carers and bereavement leave after 12 months service as well as protection from dismissal on the grounds of family responsibilities or discrimination. For our own workers, we have led the way with paid prenatal, adoption and paternity leave.

Some of our major reforms are now beginning to pay off. Compensated injuries in the workplace in Queensland have fallen to 15.4 per 1,000 workers from 18.3 in 1998. At the same time, our electrical deaths fell to one last financial year after averaging almost 11 deaths in each of the previous four years. As I have always made clear, it is not laws alone which save lives; it is the concerted effort by all involved to educate and raise awareness of the tasks that we take for granted every day simply because it is part of our work.

I would like to take this opportunity to thank employers, unions, industry, the broader community and even the members opposite for helping us achieve these commitments which we gave to all Queensland workers at the beginning of the second term of the Beattie Labor government.

MINISTERIAL STATEMENT

Departments of Public Works and Housing

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (10.09 a.m.): Since the Beattie government came to office, the departments of Public Works and Housing have helped inject more than \$4.5 billion worth of work into the Queensland building industry. More than 24,000 projects have been delivered and more than 60,000 construction jobs have been created. Showcase projects have included the \$280 million Suncorp Stadium, the \$72 million Roma Street Parkland, the \$28.5 million extensions to the Cairns Convention Centre Stage 2 and the \$17.6 million environmental award winning William McCormack Place state-of-the-art government building in Cairns.

Ms Boyle: It is really excellent.

Mr SCHWARTEN: I take that interjection from the honourable member and thank her for her support for it. Then we have the \$97 million Maryborough Correctional Centre that came in under time and on budget—and has since won several awards—as well as the \$89.5 million new Rockhampton Correctional Centre, and the \$9 million redevelopment of the Rockhampton Showgrounds for Beef Expo 2003. Then there is the biggest ever statewide redevelopment of the

Queensland hospital system worth \$2.8 billion. There is nowhere in Australia or anywhere else in the world that I am aware of that can rival that.

These projects have created jobs—real jobs—that have been delivered to Queenslanders. They are projects that have not only added to the state's net worth but have also provided valuable infrastructure to Queenslanders in both the south-east corner and the regions. These are just a few examples of the more than \$4 billion worth of work managed by the Department of Public Works over the last five years and five months.

We have also committed more than \$2.4 billion in the area of housing, providing 4,294 completed new housing opportunities for Queenslanders in need and thousands of upgrades to departmental dwellings worth more than \$483 million. More than 1,000 construction apprentices have been trained through the Housing Industry Trade Training Scheme.

When I took on this job in 1998, no Housing Department dwellings were air cooled, very few seniors units had security screens and the tenants of the north had to grapple with dengue fever because there were no insect screens. Today, more than 2,100 homes have been air cooled, 9,928 seniors units have been fitted with security screens and more than 8,000 insect screens have been installed to protect tenants and their kids from dengue fever. Part of the Smart State agenda has also included smart housing, with more than \$1 million invested in research houses in Brisbane, Rockhampton, Townsville and Cairns that are providing us with ongoing data on sustainable housing models.

While the federal government has taken more than \$300 million in capital funding from Queensland, we have increased our housing commitment as a state by \$200 million. We have established the unique Brisbane Housing Company by injecting \$50 million into the project. We are in the process of creating a world's best model urban village at Kelvin Grove, which the Premier opened on Monday. We have committed more than \$57 million to help older Queenslanders in 252,000 households across the state stay in their homes in safety through our Home Assist/Secure Program, while our Urban Renewal Program has seen us commit more than \$200 million on upgrading public housing from Inala to Manoora in Cairns.

This government's Community Renewal Program has been a spectacular success, with \$83.5 million invested in 15 of the state's most disadvantaged communities. To date 585 projects have been approved. These projects range from a computers in the classroom project at Inala, a healthy schools project in Deception Bay, a Faxback domestic violence prevention program in Logan and a police beat office in Manoora to a \$500,000 youth centre in Thuringowa.

Construction and upgrading has led to the training of hundreds of apprentices, with this government, through Q-Build, the single biggest government trainer of construction industry apprentices in Australia. In fact, we are the only government anywhere in the world that has trained 676 apprentices over the last five years, including 561 in construction. Just last Friday I announced that we would employ a further 100 Queenslanders next year as apprentices through Q-Build. The Department of Public Works has taken the Smart State agenda even further by employing a further 310 trainees and 126 graduates.

One of the first decisions we took as a government was to put a stop to the privatisation of Q-Fleet, which has meant that not only have the taxpayers of this state had about \$48 million returned to the state coffers but we have also been able to develop a greener fleet through the purchase of environmentally sustainable vehicles. The introduction of E10 and the support of Greenfleet has given Queensland 433,534 more trees to combat greenhouse gas emissions.

In terms of protecting our most vulnerable people, this government has led the way in passing legislation to protect the rights of tenants of boarding houses. For the first time ever, tenants in these situations have rights. Also on the subject of tenants' rights, our government is the first in Australia to pass legislation to protect tenants from unfair practices in relation to databases. Never again in this state will we see tenants persecuted by unfair listings on tenancy databases without having the right to do something about it.

This government has also created life bans for builders who have proved by their incompetence or dishonesty that they have no place in the industry. On top of that, we have strengthened the legislation progressively—both under my leadership and that of my predecessor, Judy Spence—to protect subcontractors. This week we continue that practice with the introduction of rapid adjudication legislation to this House. We have also put in place a PQC system which is designed to ensure that rogue builders have no place in tendering for government work. We have developed a State Purchasing Policy which means that Queensland companies no longer have to rely on price only criteria to win contracts.

Finally, I table a comprehensive list of the achievements of the Departments of Public Works and Housing under my stewardship and the leadership of this Premier and this government.

MINISTERIAL STATEMENT

Department of Families

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) (10.15 a.m.): This government is proud of the stand it has taken against domestic violence. I am proud of the major reforms and funding we are now providing to support and help the victims.

In the past five years since the Beattie government came to office, funding for domestic violence and family violence prevention and support services across the state, including accommodation services, has almost doubled to more than \$25 million. This government introduced major legislative reforms to increase protection against domestic and family violence to protect the elderly, people with disabilities and people in some dating relationships—and I remind the House that it was the National Party who voted against these measures. In fact, the only contribution the Leader of the Opposition made to this debate was to air his concern that domestic violence orders were used as a tactic in divorce and custody battles, and that the existing laws enabled magistrates to prevent someone from owning a firearm.

Under the Beattie government, an extra \$3.7 million a year was allocated in this budget for new court support and counselling services to respond to the additional people now eligible for protection; training on the legislation is being provided to court assistance workers and domestic and family violence prevention services in about 40 locations across the state, including indigenous communities in the cape and Torres Strait; a new statewide service—the Queensland Centre for the Prevention of Domestic and Family Violence—was launched a year ago to provide research, education and evaluation; \$1.4 million a year has been allocated to establish healing services to address indigenous family violence; and funding is provided to community organisations to run activities during Domestic and Family Violence Prevention Week in May, with the theme 'There is no excuse for abuse'.

There have also been far-reaching reform agendas in the area of child protection, juvenile justice and child care. Given the time, I seek leave to have the remaining part of my statement incorporated in *Hansard*.

Leave granted.

Major advances have been made in all these areas in a short time and we have a clear roadmap developed to lead further reform into the future.

Mr Speaker, the recent findings of a Crime and Misconduct Commission research project demonstrated that early intervention strategies are a critical part of the juvenile justice system.

A great deal has already been achieved through the development of programs and services to reduce the level of juvenile offending and there has been a significant decrease in the average daily number of young people in detention since 1994-95.

They generally have low literacy levels and poor prospects of employment.

So it is important that we not only make them account for their actions, but provide them with the counselling, education and skills to support themselves and contribute to society.

We are achieving this through a range of strategies including Statewide youth conferencing programs—this is where young offenders are brought face to face with their victims to complete an agreement to provide restitution, compensation, direct assistance to the victim or take part in community service.

Specialised Youth Justice Services are being established to provide a range of tailored programs for young people.

The rebuilding of the youth detention system is almost completed.

Video conferencing facilities to help young people from remote areas to maintain regular contact with family members and their community while in custody has been introduced to maximise the likelihood of successful reintegration; and

New juvenile justice legislation has been introduced.

As well, the Beattie Government has introduced new childcare legislation to give Queensland families a responsive, high quality and sustainable child care system with new laws including qualification requirements for some workers; school age care services will be licensed for the first time; and the number of offences for breaches under the Act will be increased.

This legislation will also ensure the health and safety of children in child care is paramount, with staff to child ratios clearly outlined.

The nature of work and participation of parents in the workforce has changed significantly over past decades, and the new legislation will allow child care services to respond to the changing needs of Queensland families.

We have—

- more than doubled the funding for the Department of Families;
- almost doubled the number of frontline workers;
- invested in the training of our work force and committed to improving quality assurance and information management systems and processes;
- implemented the Forde Recommendations;
- introduced tough new checking systems for staff;
- introduced independent death review teams;
- established the infonet as part of the new transparency where we are making more information available than ever before;
- established new review teams to evaluate and improve the decision making process in our area offices; and
- funded 25 Suspected Child Abuse and Neglect (SCAN) Team Coordinators; and 9 Senior Practitioners; and 5 Quality Assurance Officers.

We have delivered major investments in prevention and early intervention through the \$188 million future direction funding package.

These are significant reforms in a difficult and complex area, Mr Speaker, but they are reforms that this Government can be proud of.

SITTING HOURS; ORDER OF BUSINESS

Hon. A. M. BLIGH (South Brisbane—ALP) (Leader of the House) (10.18 a.m.), by leave, without notice, I move—

That notwithstanding anything contained in the standing and sessional orders for this day's sitting the House can continue to meet past 7.30 p.m. Private members' motions will be debated between 6 p.m. and 7 p.m. The House can then break for dinner and resume its sitting at 8.30 p.m. The order of business shall then be government business followed by a 30-minute adjournment debate.

Motion agreed to.

CITIZEN'S RIGHT OF REPLY

Mr T. O'Dwyer

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (10.18 a.m.), by leave, without notice: I move—

- (1) That this House notes report No. 62 of the Members' Ethics and Parliamentary Privileges Committee and the recommendations of the committee that a reply by a citizen be incorporated into *Hansard* under the citizen's right of reply resolution.
- (2) That the House adopt the committee's recommendation.

Motion agreed to.

RESPONSE BY MR TIMOTHY O'DWYER TO REMARKS MADE BY THE MEMBER FOR CURRUMBIN ON 13 SEPTEMBER 2001 AND 4 DECEMBER 2002

On 13 September 2001 and 4 December 2002, during debates in the Legislative Assembly on the Property Agents and Motor Dealers Amendment Bills, the Member for Currumbin and Minister for Tourism and Racing and Minister for Fair Trading, the Honourable Merri Rose MP, named me in a way that was detrimental to my reputation.

Given their context, the minister's statements adversely affected my reputation personally, and in my practice as a solicitor.

On 13 September 2001, during the debate on the first anti-marketing amendments to the Property Agents and Motor Dealers Act 2000, the minister stated, among other things, that:

- I had always sought to line my own pockets through shallowly disguised campaigns.
- I was a self-appointed consumer advocate.
- I had confessed to "being in bed with the rip-off kings".
- I had "in fact been referred to the Queensland Law Society for investigation of alleged breaches of professional conduct standards".

The minister's statements implied that there was likely to be substance in any allegations when in fact no allegations of unprofessional conduct against me have ever been shown to have substance.

On 4 December 2002, during the debate on another amendment to the Property Agents and Motor Dealers Act, the minister again named me in the Legislative Assembly and stated that:

- I had "once charged an 82-year-old client \$1,200 to prepare a simple sole-beneficiary will".
- "Members should remember that this is the same man who charged an 82-year-old client \$1,200 for a sole-beneficiary will".
- "Last year he admitted that he had been in bed with the marketeering crooks".

- "His conduct proves that his own ethical standards are highly questionable. Why? The Law Society is investigating him regarding a number of complaints."
- "It is all about generating business for Tim O'Dwyer".
- I am a "self-proclaimed" consumer watch dog.
- "I prefer to label him a serial whinger who spits the dummy when he does not get his own way".

I have summarised only a few of the minister's second series of comments, which are again completely untrue and unfair, and were further damaging to my professional and personal reputation.

I am not sure whether the Law Society at that time, or on the previous occasion, was actually investigating any complaints against me, but I can state categorically that my professional standards record with the society continues to remain unblemished.

I would have expected that if the minister was aware of serious or genuine complaints about me overcharging a client for the preparation of a will, she would have provided this information in response to correspondence from the Law Society and my legal representatives.

At all times I have acted appropriately in dealing with my clients.

Statement agreed to by Mr Timothy O'Dwyer and the Members' Ethics and Parliamentary Privileges Committee in accordance with the Resolution of the Queensland Legislative Assembly on 18 October 1995, reintroduced on 11 October 1996.

NOTICE OF MOTION

Department of Families

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (10.19 a.m.): I move—

That this House calls on the Queensland Government to increase funding to the Department of Families from areas such as printed promotional material; the Premier's Public Relations Department and media areas—to enable an increase in the number of Family Support Officers; increase in training of current young or inexperienced officers and an increase in the response and monitoring of families with reported problems.

PRIVATE MEMBERS' STATEMENTS

Prison System

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.20 a.m.): This morning we heard the Minister for Police and Corrective Services indicate that he is going to have an audit into security and other management issues relevant to the Queensland prison system. This is extremely interesting and somewhat comical given the fact that this government, under the previous minister, Mr Barton, took back control in order that the minister could be a hands-on minister and run the Queensland prison system, and that is a move that we supported at that time. But this has to be viewed against the backdrop of the fact that in the last 12 months this government and this minister abolished the 12-person audit and investigation section within the department. That was replaced with a two- man desk audit team.

The role of that particular audit unit was to visit Queensland's prison system unannounced; to drop in and say that they would be staying for a period of time up to five days, or possibly even longer, to look at the management of those prisons, including issues surrounding security, the financial management and also prison sentence management regimes. In some cases they were able to detect that prisoners had been kept in longer than they should have been. We know for a fact that some of the management of Queensland prisons were not happy about the robust way that this particular audit investigation unit went about its job.

It is not good enough that we had a minister that was prepared to abolish that 12-man unit and replace it with a two-person desk audit team. This government has to take some responsibility for the shambles which we have seen in our prison system since the abolition of that particular unit. Once again, it is a case of this government making the wrong decision then being forced to reverse that decision. If they had not abolished this particular audit and investigation section then we may not have the problems which we have had.

Mr SPEAKER: Order! I welcome to the public gallery elders of the Samoan community in the electorate of Bundamba. Welcome.

Mr A. Cobby; Lumley Life

Mr POOLE (Gaven—ALP) (10.22 a.m.): I rise to speak on a matter of great importance to a constituent of mine, Mr Andrew Cobby. Mr Cobby had a disability income insurance policy with the giant insurance company Lumley Life. In 2001 Mr Cobby was diagnosed as suffering from anxiety

and depression rendering him unable to work. This illness resulted directly from the fact that he was held up at gunpoint in his own shop, tied up, bashed and then robbed. Mr Cobby was later charged with staging this robbery, but the Magistrates Court on the Gold Coast threw out the charge. Mr Cobby applied for and was granted over \$13,000 under his insurance policy after going through the company's rigorous vetting procedures. Then later in 2001 the company, based on legal advice from its counsel stemming from the case that had gone before the Magistrates Court resulting in Mr Cobby's complete exoneration, refused to make any further payments to my constituent. Lumley Life also endeavoured to recover payment of moneys already paid to Mr Cobby, as well as pressuring him to relinquish his policy from its inception.

My constituent, who is living in a caravan and struggles to support his family, has been left out to dry by this insurance company. Lumley Life was quite happy to sign up Mr Cobby for the disability income insurance and collect his premiums. However, it seems completely unwilling to meet its obligations under the terms of the policy.

Queensland Hospitals, Renal Dialysis

Mr BELL (Surfers Paradise—Ind) (10.23 a.m.): I rise to draw to the attention of the House and the Minister for Health a matter of which the minister might not be aware, but it is a life and death matter and it is one that is critical. I am told that the government injected \$13 million towards public kidney dialysis as recently as last June, but I am also told by a renal specialist on the Gold Coast that not one new renal public patient has benefited from this money because the hospitals have appropriated it towards existing budget overruns.

This same renal specialist says that Princess Alexandra Hospital, the state's largest renal centre for dialysis, closed its doors to new patients for a few weeks earlier this year and the Gold Coast Hospital, closer to my electorate—

Mr PURCELL: What's the question, Mr Speaker?

Mr BELL: It is not a question.

Mr Purcell: Sorry.

Mr BELL: Thank you. The Gold Coast Hospital, closer to the electorate of Surfers Paradise, is currently at capacity with its renal patients. Unless there is additional facilities available at the Gold Coast Hospital urgently then new dialysis patients will have to be turned away. I am sure that no-one in this House would expect that, except for clinical reasons, a person needing kidney dialysis would be turned away.

Four new machines are required at the Gold Coast Hospital within the next 12 months to cater for the expected 30 additional new patients for renal dialysis at a cost of about \$100,000 for the machines and about \$40,000 for each of the new patients. I ask the minister to investigate this matter urgently. If the information given by this renal specialist is correct then the matter requires very, very urgent and critical attention. It is a life and death matter.

Queensland Police Service

Mr ENGLISH (Redlands—ALP) (10.25 a.m.): I read with interest an article written by Tony Koch in the *Courier-Mail* on 22 November. Tony Koch states—

The Queensland Police Service without a word of advice to or consultation with the mass media has decided to do away with its analogue radio system and introduce an encrypted digital system.

Elsewhere in the article Tony Koch informs us of the important role the media performs in the democratic process, and I agree with Tony on that point. An effective media is important in ensuring accountability in both the private and public sector. However, I have news for Tony Koch: the police radio network is not a tool of the media. It is an operational tool of the Queensland Police Service. The fact that the media, tow truck operators and criminals have been able to intercept police radio communications in the past does not mean we should continue the practice. Journalists are like every other profession: there are good ones and there are bad ones. Good, hardworking journalists with sources will still be able to know what is going on. Lazy journalists who sit and listen to the scanner all day and use the scanner as a substitute for investigative journalism will be disadvantaged.

The purpose of the police radio system is to allow police to communicate with each other to ensure the safety of all Queenslanders. I have attended numerous critical incidents and have seen the media assist in the resolution of some of these incidents, and I have also seen the

media interfere and place themselves and others' lives at risks. I have assisted in high-risk raids on criminals where special secure communications were used as we knew the criminals were using scanners. Why shouldn't all police have the protection of secure communications? If the media were not happy with aspects of the police media unit I suggest they talk to the Commissioner of Police about improving the flow of information. I do not support putting police officers' lives at risk just to make it easier for the media to get their story. We have buried too many police officers and this radio upgrade will improve the operational safety for these officers and I support it 100 per cent.

Tony Koch claims that this is the most serious threat to police accountability in Queensland. The media, particularly with the documentary *The Moonlight State*, performed a crucial role in exposing corruption in Queensland under the National Party government. I cannot remember any examples of radio communications highlighting corruption then or since. I should also point out that the media regularly transfers photographs and other information via digital technology. The hypocrisy is astounding. Digital technology is okay for the media and everyone else.

Sugar Industry

Mr ROWELL (Hinchinbrook—NPA) (10.27 a.m.): The statement made by the Premier yesterday regarding the future of the Moreton and Mossman mills is ridiculous. The Premier stated that, had the federal government gone ahead with its reform package supporting the state government, the mills would have been a lot more secure. The Premier said the future of these mills has been put at risk by the refusal of the federal government to support our reform package. There is no part of this package that supports these mills in any way, shape or form.

The Premier is treating those thousands of Queenslanders who work in the sugar industry as mugs by making these simplistic statements, but this is a typical approach of the Beattie government which has no interest in doing anything constructive to help the industry. Its disinterest is clearly shown in the repeated failure of the schemes it put in place to save the sugar industry. In 2000, the sugar industry crop replanting establishment team, which was going to deliver \$10 million in funding to cane farmers, failed the 6,500 Queensland farmers. Only nine loans were made worth \$60,308. These were not grants. The industry cannot afford loans. Last year the Premier trumpeted the sugar crop scheme which was going to provide \$20 million to help cane farmers, but how successful was this program? Again a failure. Only two per cent of the \$20 million was actually used.

The Queensland Rural Adjustment Authority report revealed only 17 farmers accessed loans worth \$442,685; so a slight improvement, but a pathetic result nevertheless.

Time expired.

Death of Mr J. Holmes

Mr CUMMINS (Kawana—ALP) (10.29 a.m.): Australian lifesavers are held in high regard not only by Queenslanders but also by interstate and international visitors. Australian iron men and women are often held in even higher esteem as they compete in the most gruelling conditions in a highly competitive environment. The Sunshine Coast is extremely proud to have some of the most talented competitors in surf-lifesaving.

Sadly, we as a community are in mourning at the tragic loss of surf-lifesaving stalwart John Holmes. John had created a surfing dynasty and was immensely proud of his children Zane, Kirsty, Denby, and son-in-law, Brad Stokes. They are all obviously devastated at the tragic loss. My family's thoughts and prayers go to them and John's wife, Vicki.

The Sunshine Coast community is very appreciative and much the richer for the generosity of John and his family. John, who was 58, was a very proud grandfather who had recently turned to training after a battle with throat cancer. He passed away while doing what he loved, as was his way of life. John, a former Australian champion, was paddling his ski off Mudjimba—Old Woman Island—when he suffered a heart attack.

I fully agree with many of our community tributes, including: 'John stood for everything that was good in life-saving'; 'He really brought something special to Kawana Waters Surf Life Saving Club'; 'He was a well-respected lifesaver and the profile of Kawana Waters Surf Club was raised by his family's presence.' With much sadness our deepest thoughts go to his immediate family and friends. May he rest in peace and may God comfort and bless his family.

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

QUESTIONS WITHOUT NOTICE**Departments of Public Works and Housing**

Mr SPRINGBORG (10.30 a.m.): My question without notice is directed to the Minister for Public Works and Minister for Housing. Now that the minister has finally been apprised of wide-ranging investigations into mismanagement and possible corruption within his department, can he advise about goings-on at 25 Clipper Street, Inala, and 12 Barwing Street, Inala? Does the minister agree that it is an absolute waste of public funds to paint, then render, then repaint external walls of these commission homes? Can the minister assure the House that these revelations of wastage, incompetence and possible corruption are not more widespread around Queensland?

Mr SCHWARTEN: I thank the honourable member for the question and congratulate him on his feeble effort at a simile this morning on ABC radio. It was a very good effort. He said that someone was carrying on here like a pork chop. I do not know how a pork chop carries on, but it was a good attempt. He could have used something like a baboon in a banana plantation. It was a good first effort. He had a go.

The matters that the honourable member raises are the very matters that have been sent over to the CMC—and rightly so. That is where they belong. I bet the people who are under suspicion were delighted with the tip-off that they got from the Leader of the Opposition yesterday. It was broadcast all over Queensland that they were under investigation by the CMC. Job well done there! They were told that the CMC plans to conduct an internal audit process. Those opposite do not like me to highlight the fact that they have blown the whistle on these people who will be under investigation. They do not like it.

They do not like the fact that they have been caught out undermining the effectiveness of the CMC. There is another question. How is it that the Leader of the Opposition got his hands on an unpublished Auditor-General's report? How did he get hold of that? Never in the history of this parliament, as far as I know, has an unpublished Auditor-General's report been the subject of a matter in this House. There are a couple of questions that the Leader of the Opposition needs to answer.

Whoever these people are, if they have committed a crime they will be brought to justice. Why will they be brought to justice? Because they were discovered through mechanisms set up to find people who rot. That is why they were found. The audit processes, both externally and internally, work. We have a director-general who acted upon it immediately and sent the matter to the CMC. I do not resile from that.

The continued attack by the Leader of the Opposition on the Director-General of the Department of Public Works who has acted with total propriety in this regard—and contrary to what the Leader of the Opposition said this morning, not everybody in Public Works from the tea lady on knew about this—

Mr Springborg interjected.

Mr SCHWARTEN: That is again a blemish on the character of the director-general. That is another assertion that is completely wrong. It was limited to a very few people in the organisation. I will tell members why. We did not want to broadcast to the people out there who were under investigation.

Hospital Waiting Lists

Mr SPRINGBORG: My question without notice is directed to the Minister for Health. I table a letter from the QE II Hospital to a constituent in which they say that the waiting list times to see a gastroenterologist is so long—up to five years. Is it not a fact that many Queenslanders are waiting up to five years to see a specialist just to get on the surgery waiting list? Can the minister inform the House what she is doing to fix this shambles?

Mrs EDMOND: Thanks for asking me that question. It shows that one of the issues that we really need to deal with at a national level is that gastroscopy is not regarded as a surgery procedure. It does not come under surgery DRGs, it is not funded as a surgical procedure and, therefore, it is not listed as a surgical procedure.

I noticed with interest yesterday that the member criticised Queensland Health for sending out an auditing letter—that is, a letter that goes out to ask whether people still need this surgery;

do they still want it or have they had it. If they do not respond they get taken off the surgery list. It concerned me that there could be people out there who believe that we should not be doing this.

I actually said to my department, 'This is rather funny because I thought one of the key things about auditing the elective surgery waiting list report was to make sure the people on it were still needing their surgery, they actually had not had their surgery, that they had not recovered and did not need it anymore.' We also heard the Leader of the Opposition say how it was Mr Horan who set up the elective strategy and how wonderful he was.

Lo and behold, what did I find? I found the strategy for managing elective surgery in Queensland public hospitals. The date on it is November 1995. Was this document produced by Mr Horan in opposition? I cannot recall him doing that. I had a look at it. Who was it produced by? It is actually signed by Peter Beattie when he was Minister for Health, not Mr Horan at all.

I remembered that Mr Horan did not like this version, which included an audit letter that should be sent out. It explains why it should be sent out and all the rest of it. The member for Toowoomba South did not like this version. He did not own it because it had Peter Beattie's signature in it. He produced an identical copy but we all remember that he wanted it pink. The identical document that he takes all the credit for is a direct copy of Mr Beattie's reforms. Both of them recommend that audit letters should be sent out, and a draft audit letter is contained in the guidelines.

Liberal Party

Mr TERRY SULLIVAN: My question is directed to the Premier. I refer to this document, which I will table. It is a copy of the minutes of the 2002 AGM of the Liberal Party's Ryan federal electoral council. These minutes record that when Dr Watson, the local MP, was introducing the Liberal Party Leader, Bob Quinn, Dr Watson noted that the National Party in Queensland has been going nowhere and that the Liberal Party needed to win seats for the party. He noted that the Liberals cannot let negotiations with the National Party determine how the Liberals run. Also, Councillor Michael Caltabiano expressed his desire for the party to move forward, given that the party is now at its lowest ebb in state politics. Does the Premier have any evidence that the tensions between the coalition partners have eased or that the standing of the Liberal Party has improved since these comments were made in June 2002?

Mr BEATTIE: I thank the member, Terry Sullivan, for his question.

Mr Seeney interjected.

Mr Springborg interjected.

Mr BEATTIE: I just draw to the attention of the House that the Deputy Leader of the National Party and the Leader of the National Party are again trying to disrupt question time and are trying to prevent my opportunity to respond.

Mr Seeney interjected.

Mr SPEAKER: Order! The Deputy Leader of the Opposition has made his point.

Mr BEATTIE: Let me make one point very clear—

Mr Seeney interjected.

Mr Horan interjected.

Mr BEATTIE: Mr Speaker, are we going to have question time wrecked again?

Mr SPEAKER: Order! The member for Toowoomba South and the Deputy Leader of the Opposition will cease interjecting.

Mr Seeney interjected.

Mr SPEAKER: Deputy Leader of the Opposition, that is my final warning.

Mr BEATTIE: Let the record show that the National Party continues to wreck question time because it has no respect for this institution. Let me make it very clear: if you cannot run your own party, you cannot run Queensland. Queensland needs strong leadership and strong government. We cannot allow divisions to wreck this state.

Let me turn to what is going on in the Liberal Party. I refer to a newspaper article titled 'Liberals labelled broke and "a joke"'. Who is the source of this article? The Liberal Party! It states—

The Liberal Party in Queensland is broke and regarded as a 'joke' by the business community.

Who said that? The state division's former vice-president, Graham Young. Mr Young has been a party member for how long? Twenty-six years. The article states further—

Mr Young was responding to a decision by the state council on Sunday to refer him and another senior member, Marion Feros, to the party's disciplinary committee. The move could lead to the expulsion of both.

Why? Because one of them ran against Michael Caltabiano for president and the other simply put out a news statement.

Mr Purcell: The truth

Mr BEATTIE: The truth. The article states further—

Mr Young said business disillusionment with the party was intensified by the division's support for a court appeal against the preselection by local branches of Bruce Flegg as the candidate for the state seat of Moggill.

The article states further—

Russell Galt, the unsuccessful candidate of the division's dominant Santoro faction, is understood to have been reimbursed for legal costs totalling \$70,000, while Dr Flegg has been forced to pay his own \$80,000 legal bill.

But I reckon Graham Young's best line is this—

They—

the Santoro faction—

want control over everyone in the Liberal Party.

Do members know how badly the Liberal Party runs its finances? The article states further—

Party sources said a decision to sell the Liberal headquarters in the Brisbane suburb of Bowen Hills was made because of pressure from banks over late loan repayments.

I say to the people of Queensland: the Liberal Party cannot even run its own finances. They are so bad that they have to sell their own headquarters because they cannot run their finances. If they cannot run their own party, they cannot run Queensland.

Mr SPEAKER: Order! Before calling the member for Darling Downs, could I welcome to the public gallery students and teachers of Earnshaw College in the electorate of Nudgee.

Departments of Public Works and Housing

Mr HOPPER: My question is to the Minister for Public Works and Minister for Housing. How is it that the internal audit team knew about suspicious goings-on in his department, the director-general knew about it, the Auditor-General knew about it, the CMC knew about it, I knew about it, and yet the minister, the man accountable to this parliament for the department, did not have a clue? Notwithstanding the minister's lack of knowledge of what is going on in his own department, can the minister assure this House that there are no more cases of mismanagement and possible corruption lurking in his department in places such as Cairns?

Mr SCHWARTEN: I note the honourable member's attack on Cairns.

Ms Boyle: So do I.

Mr SCHWARTEN: And I hope that the electors do, too. The interesting point that the member made is that he knew about it. How did he know about it? Was he privy to the Auditor-General's report unpublished? That is the answer that the member has to give, because that is an internal document. As I explained before, we have audit processes. What are they designed to do? They are designed to pick up impropriety. Guess what they picked up? They picked up suspicious circumstances. Of course, what happened as a result was that the director-general did as he must do: not advise me, but advise the CMC.

I know that the member knows as much about the law as a snake knows about hips, but the fact of the matter is that the law requires the director-general to immediately notify the CMC if there are suspicious circumstances. It does not require him to notify me.

Opposition members interjected.

Mr SCHWARTEN: I know that the members opposite are all hot and sweaty about this, and the festive season is just around the corner and they are looking for that well-earned break. But they have not actually done any policy work to earn that break. So I encourage them to do a bit in that time.

Let me say that the audit processes that we have in place have passed the test. How does the department know about those circumstances? They know from the audit processes through the Auditor-General's Office—the internal audit found them. How does the opposition know about

it? That is a matter for them to answer. How do they know about an Auditor-General's report? On his own admission, the honourable member has seen it. How does he know about it? That is a matter that he has to answer. Usually, that is a confidential document. But, of course, we know that that mob opposite do not mind putting confidential information out to suspects to tell them, 'Guess what? The CMC could be knocking on your door in the next couple of days.' They do not mind doing that. Why don't they take out a billboard advertisement in Inala and say, 'Lawrie Springborg wants everybody to know that there is a mob here under investigation'?

Of course, the policy vacuum opposite, who is yet again displaying his ignorance through his rudeness and inappropriate behaviour, is also again displaying his lack of knowledge when it comes to these matters. I urge the member to take the festive time to relax and do a bit of reading. We know that he hopped over the fence and that he is not trustworthy. The electors out there know that, but he should do a bit of homework.

Mr SPEAKER: The honourable member for Fitzroy.

Mr HOBBS: I move—

That the minister be further heard.

Mr SPEAKER: No, we cannot do that. I have called the member for Fitzroy.

Coal Seam Gas Industry

Mr PEARCE: My question is directed to the Premier. The Queensland government has a strong commitment to the development of the state's coal seam gas sector. What benefits are flowing through to the state from this commitment?

Mr BEATTIE: I thank the honourable member, Jim Pearce, for his question, because I know that he has a keen interest in energy, being a former miner. The dramatic growth in coal seam methane gas production in Queensland will help my government meet clean energy targets and open up new industrial opportunities, especially in the state's far north. In 1998, we produced about two petajoules of coal seam methane gas. By 2001, production had risen to 11 petajoules. During the last financial year, production had more than doubled to 25 petajoules. That is worth about \$65 million and accounts for 25 per cent of the Smart State's total gas consumption.

Exploration and development of this resource continues at a high level. This financial year we estimate that production will rise to 31.6 petajoules. Production will take a quantum leap to about 50 petajoules in 2005 when Townsville's power station—

Mr Horan interjected.

Mr BEATTIE: The member for Toowoomba South would have to be the rudest member in this parliament. He actually comes from a constituency of very decent people. If they knew how rude he is, they would be absolutely embarrassed.

As I was saying before I was interrupted, production will take a quantum leap to about 50 petajoules in 2005 when Townsville's power station converts to coal seam methane gas. The pipeline between the Bowen Basin's coal seam methane deposits and Townsville will be capable of supplying north Queensland with substantially more than the 20 petajoules a year the power station will require. Indeed, this project could be supplying 110 petajoules a year to north Queensland to provide energy for the Yabulu nickel refinery. It will also open up industrial opportunities in the far north.

Exploration, appraisal and development drilling are continuing at a high level throughout Queensland's coalfields and negotiations for further sales contracts are taking place. This will help us to meet our targets under my government's cleaner energy policy, which requires 13 per cent of the state's electricity to be generated from gas fired power stations by 2005, with renewable energy accounting for a further two per cent. This, in a nutshell, is a win-win situation for Queensland industry and the environment.

Today I will be addressing a major lunch for the Queensland Mining Council along with the Minister for Mines, Stephen Robertson. One of the things we will obviously be talking about is the future of energy in this state. Queensland is very fortunate in that we have a long-term projection for our energy needs. The minister responsible for energy, Paul Lucas, has been working on that.

Before we came to office, under the Borbidge government there were brownouts and all sorts of difficulties. We have fixed those problems. We have provided stability and certainty to energy generation in this state. We will continue to do that. I am delighted to see that coal seam

methane gas production is on track and is now going to be a major source of energy in this state. That development has been new and effective and it is good for Queensland.

Ministerial Use of Departmental Vehicles

Mr QUINN: My question is directed to the Minister for Fair Trading. Has the minister ever used a departmental vehicle for official or personal use? If so, why was this necessary?

Ms ROSE: No.

Victims of Crime Support Services

Mrs CARRYN SULLIVAN: My question is addressed to the Minister for Families. Can the minister inform the House as to what action her department is taking to ensure the best support services are provided to victims of crime?

Ms SPENCE: I thank the member for the question. I guess it is no secret that the Victims of Crime Association of Queensland has been racked by internal dispute. I have been increasingly concerned for some time that its inability to resolve these internal conflicts is having an impact on the service delivery to Queenslanders who need emotional and practical support from the organisation.

The association receives about \$800,000 a year in funding from the Department of Families. When the bank stepped in and temporarily froze access to the organisation's accounts in July the Department of Families responded by appointing a grant controller to administer the funding for three months. The Department of Families also instituted an audit of the association's accountability, governance and service delivery. The audit found that, although current administrative systems appear to be acceptable, there had been some questionable expenditure in the past, the ongoing internal conflicts and in particular the management committee dispute were having an increasingly detrimental effect on service delivery and the association does not demonstrate the organisational capacity to effectively manage and deliver services.

The organisation had until next Tuesday to respond to the audit. It was thought there might have been some resolution at Monday night's annual general meeting. However, it appears that the disputes have escalated and that all positions on the committee, apart from the secretary, may be in dispute. I have also been advised that the recent resignation of some staff and volunteers is making it difficult for the organisation to maintain adequate levels of service to victims across the state. It has offices in eight locations; however, the Townsville office is not open and another three have only temporary part-time staff. Yesterday the senior officer who conducted the audit began investigating the current situation.

Today I am announcing that I am going to appoint a grant controller again to ensure taxpayers' dollars are properly spent. The association's funding will expire on 31 January, so I am today announcing that we will put the delivery of this service out to tender. The tender documents are being prepared. This will be advertised a week from Saturday in the *Courier-Mail*. Any organisation around Queensland, including the Victims of Crime Association, can respond to the tender for these services in the future.

It is a disappointing situation, because the services we fund this organisation for are much needed by many Queenslanders. Victims need to have confidence in an organisation which is providing them some support and counselling. As minister, it is my responsibility to ensure that taxpayers' dollars are spent correctly. I believe that this will be a good decision for the future.

Hospital Waiting Lists

Miss SIMPSON: My question is addressed to the Minister for Health. I table a letter the minister has received from a category 1 urology patient who has been on the waiting list for surgery since August with a catheter in place. He was listed for surgery in October, but that was then delayed until 20 November. That morning he was told that the surgery was again postponed until 12 December. This patient will have waited four months with a catheter in place, which has required replacement, as well as needing treatment for infection and emergency treatment for dehydration. How can this patient have any faith in the minister's media statements that she had fixed the waiting lists for category 1 surgery? How can Queenslanders have any faith in the government's bogus health report?

Mrs EDMOND: I think the latest figures show that 97 and a half per cent of category 1 elective surgery patients are receiving their surgery within one month. I am not sure of the circumstances of this patient or even what part of the state he comes from. I understand that in Nambour they have had difficulties with urology services, in attracting urologists. That is the case across the state.

One of the things that stands out from all of the comments those in the opposition make is the utter failure of two and a half billion dollars each and every year that the Commonwealth is putting into private health funding to take any pressure whatsoever off the public system. We even have a Tory candidate in Townsville saying that not only should private patients be subsidised for their insurance but also the public system should buy beds for them in private hospitals. This is the situation we have.

Those opposite were not prepared to argue side by side with us. In this House they opposed standing side by side with us and lobbying the federal government to improve funding. In this House they opposed us putting these cases to the federal government. They have said, 'We don't need any more money.' I stand here and I acknowledge that the public system is under enormous pressure. The increase in growth is way over population growth and it will be increasingly difficult to meet this in the future. I have stood here for the last five years and said that there is increasing pressure on the public system because of an increasing ageing population, because of increasing growth in population and because of increasing demand and increasing expectations. Despite all of that we have increased throughput. We are delivering 97 and a half per cent of category 1 elective surgery on time. Almost 100 per cent of our emergency patients are seen immediately.

The system is doing a wonderful job, but of course it is under pressure. The taxpayers' funding that is going into subsidising private health is not taking off one iota of pressure. Five hundred million dollars per year could come to Queensland's public system if it was not going into subsidising the private health system. It is the biggest failure of health policy I have ever seen.

Electricity

Mr SHINE: My question is directed to the Minister for Energy. There still seems to be concern about price rises for our household electricity bill. Can the minister please explain what is the situation?

Mr LUCAS: I am delighted to take a question from somebody who is so proactive in the interests of their electorate, particularly when it comes to issues such as power in Highfields, unlike the member for Cunningham, who wants to switch the lights off in the Darling Downs. He talks about it all the time.

The people in the Darling Downs could face a yearly electricity bill of \$846 instead of \$718 per annum if the Liberal and National parties have their way. Or further out in Charleville and Miles it would rise to \$1,911. The Beattie government is not increasing electricity prices. The only increases have been in line with the CPI. In fact, since 1998 Queensland's electricity prices have grown by 9.3 per cent, which is even less than the CPI of 12.7.

The Beattie government is not interested in slugging Queenslanders, especially rural Queenslanders, more money for their electricity. I told the Ministerial Council on Energy in Sydney on 1 August, which was reported the next day in the *Australian*—and understood much better than the Leader of the Opposition—that I was adamantly opposed to full retail competition unless it was demonstrated not to cause price hikes. In fact, in today's *Australian*—and I will table this—it says, 'Queensland has rejected full retail competition out of hand'.

What do the Liberal and National parties say? I will table a letter from the federal Minister for Energy, Mr Macfarlane, which states—

... I believe that FRC in both electricity and gas are critical elements to an open and effective national market for energy.

That is what the Leader of the Opposition's party says. That is his view when it comes to FRC. That is what he is promising to people in rural and regional Queensland. His leader talks big about enforcing his will with his members and candidates throughout Queensland. When is he going to get on the phone to the federal minister and tell him that what he is planning will be dynamite to people in Queensland?

If you are in Charters Towers, where we have wonderful representation, under National Party/Liberal Party rule the yearly electricity bill would be \$2,045 per annum instead of \$825. In

Longreach it would be \$1,957. In Charleville it would be \$1,011. The South Australian Premier said the people in that state who privatised the industry were drongos and ought to be in leg irons. Who did that—the Liberal Party! That is what Mr Macfarlane wants to do. He holds a purported National Party seat but he wants to sell them all out. Twenty-six per cent price rises in South Australia under FRC—that is what his side wants to do. He had better get onto the federal government and say that we will stand up for the people of Queensland. It is about time they did it as well, because we are the one party in this state which has the one uniform tariff and does not want to put up with federal government economic rationalism or \$36 million which the National Competition Council wants to sting us with because we will not agree to FRC. I say to the member for Gladstone: what about getting that money back so we could spend it on family services?

Fishing Industry, Great Barrier Reef

Mr CHRIS FOLEY: My question without notice is directed to the Minister for Primary Industries. Blaming the feds has been elevated to an artform in this parliament, but it has been announced recently that the federal government has agreed to compensate sections of the fishing industry hit by imminent fishing zone closures on the Great Barrier Reef. As the state government has continually blamed the federal government for a lack of initiative on this issue, will the Minister for Primary Industries now enact compensation by the Queensland government to those commercial fishers whose livelihoods have been affected by state government legislation?

Mr PALASZCZUK: I would like to thank the honourable member for the question. Yes, there is talk coming out of Canberra about a compensation package but it is not in relation to what the Queensland government is doing. Secondly, as is usual when we talk about land clearing and so on, the question we always have to ask the federal government is: where is the money going to come from? On the other more specific issue regarding the Queensland government, I suppose the honourable member is talking about the coral reef fin fish plan and the wonderful work that we are doing in his area regarding recreational fishing areas. Under our legislation there is no provision for compensation. My understanding is that the majority of fishers who are concerned are licensed to do other forms of fishing.

I have spoken on this issue previously. I have answered this question previously. I have been asked this question in the media, and my response has always been that under the legislation there is no compensation. The commercial fishers do have other endorsements that they can engage in to obtain a meaningful income.

Queensland Biennial Festival of Music

Ms KEECH: My question is directed to the Minister for the Arts. I refer the minister to the Queensland Biennial Festival of Music held in July this year. Can the minister report on the success of the festival and any developments in planning for the next festival in 2005?

Mr MATT FOLEY: This year's Queensland Biennial Festival of Music was the most spectacularly successful festival yet. Final figures show that during the 10 days in July more than 190,000 people throughout the state celebrated what it is to be a Queenslander through music. That was a new attendance record. There were many other features of the festival's success: 138 events in 18 centres throughout the state, more than 4,000 participants including 80 international artists, 15 world premieres, \$676,000 spent on Queensland artists and arts workers, and nearly \$1 million spent engaging small businesses working in the arts and entertainment industries—jobs, jobs, jobs.

From Winton to Mount Isa, where we had the magnificent Bob Cat Dancing, from Barcaldine to Townsville, from Childers to Mackay, the Queensland Biennial Festival of Music saw our state come alive with the sound of music. The music has changed the culture of our towns. Works were specifically commissioned and programs tailored to capture the essence of our regional centres. For example, I attended with the Premier at Barcaldine and—

Mr Beattie: It was a very cold, wonderful morning.

Mr MATT FOLEY: It was indeed a very cold, wonderful morning. With the Premier in the predawn, hundreds of children and their parents played marimbas in Barcaldine, which is now known as the marimba capital of Australia. I and the Minister for Public Works had the pleasure of attending Rockhampton, the city of symphonies, where the Rockhampton Garden Symphony No. 2 was performing based on the work of local poet Mark Svendsen and distinguished composer Elena Kats Chernin. Winton has the only permanent musical fence in the world, and

perhaps that is fitting because the member for Gregory is, I think, the only member of this parliament who has a poet in residence on his staff, and I commend him for that. Down at Logan we had Hallelujah Logan, the gospel music festival.

I can inform the House that in 2005 the festival will be known under a new name—the Queensland Music Festival. This will reflect the true essence of the festival. I can also inform the House that the artistic director, Lyndon Terracini, will again be at the helm. Already, an additional 20 councils in remote and regional Queensland have expressed their eagerness to be a part of the next festival on top of the 17 centres already involved. It is worth keeping in mind that this festival grew out of the Brisbane Biennial Festival of Music, which was originated by Wayne Goss, the greatest Arts Minister Queensland has ever had, and axed by the last coalition government in 1996 in an act of cultural vandalism. When Labor returned to power, we promised to bring back the Biennial Festival of Music and we honoured our promise.

Education

Ms LEE LONG: My question is directed to the Minister for Education. In the Beattie government's document *Health 2020* it states that over the next 20 years work force growth in Queensland will slow significantly and that Queenslanders can increasingly expect to work in part-time or casual jobs with associated lower levels of income and job security. Given that these are the government's own predictions, I ask: how does the minister justify the intense stress and pressure placed on parents, teachers and, in particular, our students to attain higher and higher levels of academic performance when they can look forward to nothing more than fewer and fewer jobs with less security and smaller pay packets—that is, if they can get a job at all?

Ms BLIGH: I thank the honourable member for the question because I think there is some confusion and misunderstanding out there about the government's education agenda. I was delighted when a few months ago the parliament unanimously endorsed the education reforms being proposed for the senior phase of learning, but there were a number of questions about it.

We make no apologies for the fact that we understand that, in jurisdictions around the world, those countries and states that are investing in the education and skills of their people are those that are best placed to avoid the worst excesses and difficulties of globalisation, technology and rapidly changing economic environments. The very best insurance that we can give young people is to give them the best chance of the best education possible.

Mrs Edmond: Education helped somebody from Atherton become Premier.

Ms BLIGH: Yes, it could be said that education helped a boy from Atherton become Premier.

I do not think that anybody in this House expects that young people will completely avoid throughout their working lives some experience of part-time or casual work. But we know that the best chance that they will have of avoiding that long term and having meaningful, permanent and full-time employment in jobs where they are best able to use their skills is if we have a high quality education system. It will have more young people in it, more young people staying for longer and an education system that has as many years of schooling as is available in other states. That is precisely what we are providing with the prep year and the senior year reforms.

These things do not work overnight. We know that economies which have highly skilled labour forces themselves attract businesses, employers and potential development. That is all part of what we are calling the Smart State agenda. We need to increase the skills, education and abilities of our potential labour market. They are the children sitting in grade 3 and 4 classrooms today. I want them to be thinking about how they can maximise their skills, whether it is as an apprentice at year 10 or whether they think they can go on to university.

We do want to make it absolutely clear that there are many pathways, but every one of those pathways requires skills and education. We do our children and our young people a great disservice if we tell them anything else.

Mrs Edmond interjected.

Ms BLIGH: We want more health professionals. The context of the member's question was about *Health 2020*. It was about recognising the need to plan for a very highly skilled health work force. I support the Minister for Health in that.

Mr SPEAKER: Before calling the member for Mudgeeraba, I welcome to the public gallery students and teachers from Morayfield East State School in the electorate of Kallangur.

Welcome. I also welcome students from the Gold Coast TAFE in the electorate of Southport. Welcome.

Young Workers Advisory Service

Mrs REILLY: My question is to the Minister for Industrial Relations. As the school year comes towards a close, can the minister inform the House of the information that is available to students and young people who are entering the work force for the first time?

Mr NUTTALL: I thank the honourable member for the question. She comes from an electorate where there is an ever-increasing number of young families and young people who are ready to enter the work force. This year we have some 40,000 school leavers who are about to enter the work force for the very first time. As government members and as parents, we have a vested interest in these young people and the future of this great state of Queensland.

As people would be aware, for the very first time this government established a Young Workers Advisory Service which is there to help young people between the ages of 15 and 24 to understand not just the rights that they have in the workplace but also the responsibilities. This year my department has developed a new brochure for young workers giving tips on entering the work force. In this brochure students, parents and teachers will find a check list for all the information and services that young people need to be aware of as they make that first step into the workplace.

The brochure includes matters such as things to look out for in a contract of employment, information about respecting others in the workplace, tips on responsibilities, what to do, what not to do, as well as the rights of people. Most importantly, it lists all the services, contacts and numbers to help first-time workers and their families find their way through what can often be a difficult and daunting time in their lives.

We have information on Wageline which provides advice. There is the Young Workers Advisory Service. In this brochure there are contacts for trade unions, legal aid, the Anti-Discrimination Commission, employer organisations such as Commerce Queensland and the Australian Industry Group. There are also contacts for Workplace Health and Safety Queensland and the Electrical Safety Office in my department.

With modern technology, this brochure is going to be emailed to all students right around Queensland through the Queensland Studies Authority. In addition to that, this brochure will be in regional offices of my department throughout the state and, of course, on the web site. Most importantly, I will make sure that this brochure is distributed to all members of the House today. I would encourage all members of the House to make sure that this brochure is made available to young workers in their electorates who are about to leave school and enter the work force. Any assistance that we can give them as a government we are only too happy to do.

Princess Alexandra Hospital

Mr WELLINGTON: My question is to the Minister for Health. Can I say at the outset that it gives me no pleasure in asking this question.

Government members interjected.

Mr WELLINGTON: Listen to the question! Yesterday I spoke with one of my constituents who has a close member of his family as a patient at the oncology ward 2E of the Princess Alexandra Hospital. I was informed that last week a patient was asked to bring a pillow and blanket due to a shortage of linen—due to a shortage of linen! Notwithstanding this, my constituent says the staff do a wonderful job in caring for the patients. How can linen shortages be allowed to get to such a low level that patients in an oncology ward are asked to bring in their own pillow and blanket?

Mrs EDMOND: I am delighted that the member said that the patient received excellent care. I have heard this allegation before. It was raised with my staff yesterday and we have made inquiries. I am advised that there has been no shortage of linen. All of the beds are stripped and made each day, as they always have been. No-one can recall any situation remotely like what the member has described. The nurses on the ward have said that they are more than happy to get more details so that they can discuss it.

It has been put to me that long-stay patients are sometimes asked if they would like to bring in their own pillow and blanket if it makes them more comfortable, particularly to sleep at night,

et cetera. I know some people even take their own pillow, et cetera, with them on holidays. I am one of those people who has a particular pillow I like to sleep with.

People who are facing life-threatening situations and needing that extra care are sometimes given the option of bringing them in. The staff at the PA Hospital have said to me that they think maybe that has been misconstrued by the patient or their family member. They are happy to clarify that. They are happy to meet with the patient and discuss it with them.

Mr Mackenroth interjected.

Mrs EDMOND: One of the issues about hospital pillows is they tend to have a plastic cover under the linen cover and a lot of people, including myself, find that quite difficult to sleep on. It is quite noisy to sleep on and it does not feel very comfortable. People can get that option in the oncology area.

If the member wants to give me any further information, he can do so. The nurses have said that they are most upset by the allegation and they are happy to discuss it, but there was no shortage of linen.

Charities Law, Review by Federal Government

Mrs SMITH: My question is to the Minister for Emergency Services. The federal government is proposing changes to the laws governing charities. Would the minister please tell the House how these proposed changes could affect rural fire brigades, SES groups and local ambulance committees in Queensland?

Mr REYNOLDS: I thank the member for the question she has asked. It is a very important question for every part of Queensland. The federal government's current review of charities law overlooks the critical role played by emergency services volunteers. The review will provide a new framework for the assessment of tax concessions for charities. It presents the federal government with an opportunity to ensure that emergency services volunteers are adequately supported by a clear and efficient tax concession framework. The federal government's failure to take the opportunity to look after emergency services volunteers is nothing short of a mean-spirited attack on volunteer emergency services groups.

At a time when the Howard government can actually do something positive to support our rural fire brigades, SES units, local ambulance committees, our lifesavers and our VMR volunteers, it is once again turning its back on those people who donate their time to help their fellow Queenslanders.

The federal House of Representatives select committee's recent report on the devastation wrought by the 2003 bushfires in New South Wales, Victoria and the ACT praised the great work of the volunteer rural firefighters. Now that the federal government can help out these volunteers and their emergency services companions in the Rural Fire Service and the SES, once again they are neglecting these people and their vital emergency services operations. One wonders where its priorities actually lie.

Currently, emergency services units face considerable difficulties obtaining charitable status and their position is not improved by the draft charities bill of 2003. Rural fire brigades have to individually apply to obtain public benevolent institution—PBI—status. They are not entitled to this PBI status automatically, but 457 brigades in Queensland have applied for and received this status. These individual applications by brigades are not a very efficient process. They put administrative burdens on brigades when their time and resources would be better applied to firefighting and fire prevention. There is now uncertainty about whether brigades would retain their charitable status under the proposed bill and this needs to be put absolutely beyond doubt.

Emergency services volunteers, by virtue of the unique and singular role they play in protecting the community and the risks that they run on behalf of the community, should be specifically granted charitable status by this federal legislation. I call on the federal government today and indeed call on the members opposite—Independents, the National Party, coalition, One Nation—to not let the federal government do this to our emergency services volunteers by taking away that very important volunteer taxation concession that they can get.

Caboolture-Landsborough Rail Line

Mr JOHNSON: My question is directed to the Minister for Transport and Minister for Main Roads. Minister, I refer to the proposed Caboolture to Landsborough rail upgrade. Last night,

along with the member for Glass House, I attended a community meeting at Glass House State School where more than 200 people attended and overwhelmingly rejected the government's proposed option 2 of the upgrade which will wipe out prime residential and agricultural land and supported option 1, a more sensible approach, which is a duplication of the existing railway line. Following completion of the consultation process that concludes on 12 December 2003, will the minister give these people a commitment that he will make a decision on the government's preferred option before the election and end the uncertainty faced by residents in this area?

Mr BREDHAUER: I thank the honourable member for the question, but I would particularly like to thank the member for Glass House for the work that she has done in representing the interests of her constituents in relation to this matter. She has acted very responsibly in bringing the concerns of her constituents in relation to this matter to my attention, to my office's attention, and to the attention of Queensland Transport and the consultants who are undertaking this study.

The upgrade of the Caboolture to Landsborough section of the northern rail line is very important for a number of reasons. It has the capacity to deliver improved public transport services to people who live in those growing areas to the north of Brisbane and as far north as the Sunshine Coast and Nambour where that growth is demanding extra services be provided. It also has the capacity to deliver considerable benefits in terms of freight transport on the northern line and, as the honourable member should know, given that we are likely to be facing competition from Pacific National on that corridor it is important that we allow QR the opportunity to compete. Obviously if we upgrade the track we improve it also for Pacific National, but it gives us the capacity to compete.

I take issue with one of the honourable member's comments in that he suggested that the government has an option 2 on the table. That is not true.

Mr Johnson: There are two options there.

Mr BREDHAUER: Take a pill! The options are not the government's options. The options are the options that have come through a long process of study by the consultants working with stakeholders and the community in the area. There are two options on the table; one is an upgrade of the existing corridor and one is an alternative corridor. The honourable member for Glass House brought representatives of the local community to meet with me yesterday. I gave them an assurance that neither I nor the government have a preferred option in relation to either of those two corridors and that we were genuinely going through a process of community consultation, listening to the concerns of the local community, before a recommendation was made.

Furthermore, I gave the member for Glass House an assurance, following her invitation to me that I go up there to meet with local residents and inspect the area for myself, that I would go up there the week after next. I said that I would find time in my diary the week after next to go up there and to talk to the concerned residents. The public consultation is due to conclude on 12 December. I advised her constituents who came to see me yesterday that I expected a recommendation would be made to me by February. However, I also advised that I would work with Queensland Transport—

Mr Johnson: Will you do it before the election?

Mr BREDHAUER: If the honourable member would only stop interjecting for a second—

Mr Johnson: Give us the answer. You cannot give us an answer.

Interruption.

PRIVILEGE

Member for Gregory, Questions Without Notice

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (11.24 a.m.): I rise on a matter of privilege suddenly arising. The honourable member interjected on my answer to the question on no fewer than five occasions and prevented me from having the opportunity to answer the question.

Mr JOHNSON: I rise to a point of order.

Mr BREDHAUER: My matter of privilege suddenly arising is that if he had not interjected I would have been able to finish and say that the recommendation is due to come to me by February, which I expect will be before the next election.

Mr JOHNSON: I rise to a point of order. The point of order I raise is that the minister's time had expired and he had not answered my question.

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

Mr Johnson interjected.

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

Mr Johnson: The whole thing is that he hasn't got the guts to tell us the answer.

Mr SPEAKER: Order! Member for Gregory, that is unparliamentary language and you will withdraw that.

Mr Johnson: Yes or no?

Mr SPEAKER: Order! The words you have been using—'the guts', et cetera—are unparliamentary.

Mr Johnson: What is the matter with that?

Mr SPEAKER: Order! It is unparliamentary. I am telling you to withdraw.

Mr Johnson: Well, if you haven't got the intestinal fortitude to give us the answer—

Mr SPEAKER: Order! Member for Gregory, that is not a withdrawal. I ask you to withdraw.

Mr JOHNSON: I withdraw it, Minister.

QUESTIONS WITHOUT NOTICE

Resumed from p. 5147.

SunWater, Dividends

Mr RODGERS: My question without notice is to the Minister for Natural Resources and Minister for Mines. In light of the minister's recent announcement that the government will once again reinvest SunWater dividends back into the regional community water projects, I ask: can the minister advise the House whether he has identified any suitable community projects to be funded from SunWater's dividends?

Mr ROBERTSON: I thank the honourable member for the question and the answer is simply yes. In the financial year just ended the dividend paid by SunWater to the government is \$3.58 million and for the second year running the Deputy Premier and I decided the government would reinvest the SunWater dividend back into community projects which enhance water management and the health of our rivers.

I am delighted to inform the member for Burdekin that the first regional project to be funded from the dividend will be one which he has lobbied hard and consistently for over the past three years. I have given SunWater approval to proceed with the construction of a new fishway at the Clare Weir on the Burdekin River. The Clare Weir is a major barrier to fish migration on the Burdekin River, and it is well known locally that the river needs a new fishway to ensure that fish stocks survive and breed on either side of the Clare Weir.

The new fishway will replace the existing fish ladder at the weir which was based on an American design and is not ideally suited to Australian native fish species. Our understanding of the breeding habits of native fish has improved significantly since it was constructed, so it is possible now to construct a much more effective fishway. Extensive studies have already been carried out by SunWater and DPI Fisheries to determine the most effective fishway and designers have determined a fish lock system will be the most successful option for fish migration and breeding. SunWater engineers still have some design and model testing to carry out, but it is expected that the construction will commence around about May next year.

The investigation phase of this project found that fish species such as barramundi, sleepy cod, bony herring, empire gudgeon and long finned eels were all blocked in their upstream migration due to the weir. The fish lock we intend to construct will work much the same way as the ship lock on the Panama Canal, whereby fish in the lock are raised to the higher upstream water levels so that they can continue their migratory journey. It will also allow fish species that breed downstream to negotiate the weir.

Mr Bredhauer interjected.

Mr ROBERTSON: It is a fairly simple concept, Minister for Transport. It has proven to be very effective at the Neville Hewitt Weir on the Dawson River, the Eden Bann Weir on the Fitzroy River, the Ned Churchward Weir on the Burnett River and the Dumbleton Weir on the Pioneer River. I have also asked SunWater to provide me with a list of other projects that could be funded from the dividend once the cost estimates for the Clare Weir fishway project are finalised.

I am sure this announcement will be welcomed by the hundreds of recreational fishers and the Burdekin Fish Stocking Association who enjoy fishing at the Clare Weir. This announcement will also demonstrate the government's and, indeed, SunWater's commitment to the environment and the long-term sustainability of native fish species.

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

BUILDING AND CONSTRUCTION INDUSTRY PAYMENTS BILL

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (11.30 a.m.), by leave, without notice: I move—

That leave be granted to bring in a bill for an act to imply terms in construction contracts, to provide for adjudication of payment disputes under construction contracts, and for other purposes.

Motion agreed to.

First Reading

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

Second Reading

Hon. R. E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Minister for Housing) (11.31 a.m.): I move—

That the bill be now read a second time.

Improving payment outcomes for all parties operating in the building and construction industry is a key priority for this government. Security of payment has been an issue for many decades, particularly in relation to subcontractors. While bad debts are not unique to the building and construction industry, the industry is particularly vulnerable to payment problems because it generally operates under a hierarchical chain of contracts. The failure of any one party in the contractual chain to honour its obligations can cause a domino effect on other parties resulting in restricted cash flow and, in some cases, insolvency.

Since 1998, the Beattie government has introduced major legislative initiatives which have improved payment outcomes for subcontractors working in the building and construction industry. In October 1999, the Better Building Industry reforms came into effect. Amongst a host of initiatives, the reforms included the introduction of tough financial criteria for contractor licensing, a series of commercial contractual protection measures and the banning of persons from holding a contractor's licence in the event of their being associated in any significant manner with a failed business venture.

More recently, in July 2003, building on the previous reforms, significant amendments to the Queensland Building Services Authority Act 1991 came into effect extending the power of the BSA to ban persons from the industry who continually display a total lack of regard for their contractual and payment obligations. These recent legislative reforms, coupled with the longstanding Subcontractors' Charges Act 1974, mean subcontractors working in Queensland currently enjoy a raft of legislative protection measures designed to improve their payment prospects. However, these legislative measures of themselves will not necessarily result in improved cash flow outcomes for parties operating in the building and construction industry.

There are instances in the industry where a claim for payment by a subcontractor or supplier is disputed by his or her superior contractor resulting in payments being held up for lengthy periods while the dispute is being resolved. There is potential in the industry for these payments to be withheld unfairly to the disadvantage of the claimant. The bill now further builds on the previous reforms by establishing, in relation to construction contracts, a statutory based system of rapid adjudication for the quick resolution of payment disputes on an interim basis by an appropriately qualified and independent adjudicator. This will allow for payments to flow quickly down the contractual chain.

Rapid adjudication does not extinguish a party's ordinary contractual rights to obtain a final determination of a payment dispute by a court or tribunal of competent jurisdiction. The

significance of an adjudicator's decision, however, is that pending final determination of the payment dispute the party with the most commendable case, as determined by the adjudicator, retains the moneys in dispute. Significantly, decisions by an adjudicator are enforceable as a judgment debt if a contracting party fails to pay moneys to a contracted party as determined by the adjudicator.

This represents a significant shift from the current system where responsibility for enforcing payment has ordinarily been left to the contracted party who has performed the construction work or supplied the related goods or services for the benefit of the contracting party. The application of the bill covers all forms of construction contracts other than contracts involving resident owners under the Domestic Building Contracts Act 2000. The bill will, however, cover owner builders who engage contractors and tradespeople in a building contractor role.

The bill will not in any way affect the operations of the Subcontractors' Charges Act 1974. Subcontractors may continue to utilise this act as they have always done. However, a subcontractor will not be permitted to start, continue or enforce an adjudication once they lodge a notice of charge under the Subcontractors' Charges Act 1974. In essence, subcontractors will be required to choose which statutory initiative they wish to utilise to obtain payment for construction work done. There will be nothing to stop subcontractors switching from one statutory initiative to the other if they believe that due to changing circumstances the alternative option will result in a better payment outcome.

There is a default provision in the bill which will apply when parties have not, in the formation of their contract, included the intervals for making progress claims, times for making payment and how such payments are to be valued. In the absence of a contractual provision the bill provides that payment claims must be made at monthly intervals with payment becoming due 10 business days after the payment claim is made. If the construction contract is silent on how a payment is to be valued, the bill provides that the amount is calculated on the basis of the value of work carried out, including related goods and services provided.

An independent adjudicator with relevant expertise and registered to hear disputes will be contracted by authorised nominating authorities. As in other states it is proposed that private adjudicators conduct the adjudication on a user-pays basis. An adjudicator must make a decision on the dispute within 10 business days from either receiving the respondent's adjudication response or the expiry of the specified time frame for receiving an adjudication response. The adjudicator has the power to call for further submissions, hold a conference and view the relevant construction site.

An adjudicator must provide to both parties reasons for a decision, including the adjudicated amount and the payment date. If payment of the adjudicated amount is not made, the claimant can request an adjudication certificate, which can then be lodged in a court of competent jurisdiction as a judgment debt.

The important benefits of the rapid adjudication process are that it allows for a prompt interim decision on disputed payments, encourages communication between the parties about disputed matters and provides parties with a much faster and cheaper alternative to resolve the dispute without entering the court system. The adjudication process also allows unpaid parties to suspend work or the supply of goods until payment of the adjudicated amount is received.

The bill also amends part 4A of the Queensland Building Services Authority Act 1991 to align contractual requirements with the rapid adjudication process. There is no doubt this bill is groundbreaking and will impact on payment relationships between parties involved in the performance of construction work. The Beattie government's track record with regard to consultation with industry on all important issues is widely recognised. The government intends to review the operations of the new legislation after it has been in effect for 12 months. The building and construction industry, and particularly subcontractors, will benefit substantially from the introduction of this bill. I commend this bill to the House.

Debate, on motion of Mr Hopper, adjourned.

TOURISM, RACING AND FAIR TRADING (MISCELLANEOUS PROVISIONS) BILL

Second Reading

Resumed from 7 October (see p. 3665).

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (11.39 a.m.): I am pleased to participate in the consideration of the Tourism, Racing and Fair Trading (Miscellaneous Provisions)

Bill 2003. It is a bill that is well named in that it deals with a whole range of miscellaneous provisions. As the minister noted in her second reading speech, the bill amends 15 acts and, indeed, most of the amendments to those 15 acts are miscellaneous provisions. The opposition does not have any concerns about any of the amendments to those 15 acts. In most of those cases, as the minister says, they adjust operational difficulties and are of a technical and consequential nature.

However, the consideration of this bill gives us an opportunity to consider some issues relating to the areas that those acts administer. I will go through those amendments roughly in the order in which the minister listed them in her second reading speech and make some comments about the acts that are being amended by this bill. The first act that is amended by this bill is the Associations Incorporation Act. This bill provides a mechanism for vesting property in the Public Trustee upon the cancellation of an association that is registered under the Associations Incorporation Act. Regrettably, I believe that there will be an increasing need for that very provision, because so many of those incorporated associations continue to come under intolerable pressure from third-party liability insurance premiums.

I believe that this is one of the great tragedies that this government has not been able to address. This issue affects every member in this House. It affects every electorate that is represented in this parliament. This whole debacle of third-party liability insurance premiums is bringing about fundamental change in the structure and the lifestyle of communities right across Queensland. It is a source of enormous frustration to me personally—and, I know, to other members on both sides of this House—that this government and this parliament have not been able to properly address the issue and provide some relief for those incorporated associations that play so many valuable roles in communities right throughout our state.

When the issue was first raised in the parliament some years ago, the government's response was to put together what was essentially a group buying mechanism to provide these incorporated associations with an avenue to come together and use their collective buying strength in the market to somehow achieve a reduction in the third-party liability premiums that were crippling those organisations. That was touted here in the parliament and in the media as some sort of magnificent solution that had solved the problem for the incorporated associations. Many of the people involved in those incorporated associations took those assurances on face value. They believed that the problems that were threatening the very future of their incorporated associations were going to be solved.

They were always going to be disappointed, because that decision was arrived at with the normal political hype that overstated any benefits that were going to come from that approach to the problem. But it has left those incorporated associations in a position from which many will not recover. Many of those incorporated associations used all of their available resources to get them through the interim period until that government scheme became operational. Many of those incorporated associations do not have a lot of assets and they do not have the ability to meet the sorts of payments that are required of them by the insurance companies for public liability insurance. What liquidity they had, what assets they had, have been gobbled up by the insurance premiums that they paid, believing that it would be for a short time until the government's scheme became operational and provided them with some relief and some viable alternative to access liability insurance. Those incorporated associations now find themselves with no ability to pay those premiums any longer and almost no hope that those premiums are ever going to be reduced to a level that can be managed. This is an incredibly frustrating and worrying problem for me as an elected member—and I know for other members. This is not just a problem that affects one side of the political fence in Queensland.

These incorporated associations play enormously important roles. There is a whole range of them: sporting clubs, community development organisations, support organisations, organisations that provide social interaction, and organisations that provide facilities in communities that otherwise would not be provided. If those organisations were not there, sooner or later to some extent or another the role that they play would fall to government agencies. That is a point that has to be recognised by this government very quickly. If all of these incorporated associations are not going to survive in the long term—and I cannot see how many of them can—then by necessity a lot of the roles that they play are going to fall, by necessity, to government agencies. If those services are to be continued and the lifestyle of so many Queenslanders is not to suffer, the cost is going to have to be borne by the government. That in itself should be an imperative to solve this problem.

Today, we are considering a bill that provides a mechanism for vesting property in the Public Trustee if there is a cancellation of an association under the Associations Incorporation Act. We are considering a mechanism that is going to make it easier to wind up these incorporated associations. But the greatest imperative for this parliament should be considering how we are going to ensure that those incorporated associations continue in the long term. If it is that the public liability insurance premiums that are imposed on these incorporated associations are going to continue in the long term, that there is no hope for a return to more reasonable and more affordable premiums, then some options have to be found. Some hard decisions have to be made by the government as to whether or not the resources that they are going to have to put towards maintaining services in the community in the long term should not be made available to those incorporated associations to maintain the existing structure. The effect that the loss of these incorporated associations will have on communities cannot be understated.

I think the government has a huge problem that it either cannot address or is refusing to address. It is one that has been spoken about in this House many times before. I think the approach now is to put it in the too-hard basket and hope that it will go away. If that is the approach that is pursued, a lot of the cost of those services provided by incorporated associations will come back to the government. There is a viable argument that the government needs to address that in a proactive way rather than wait for that to happen.

The whole issue is one that I know frustrates everybody. I think there has been some effort to shift blame from the state government to the insurance companies themselves. To some extent I have some sympathy with that argument, because I think the insurance industry certainly has a responsibility. In identifying that responsibility, I do not believe that the state government can walk away from the responsibility it has to ensure that the legislative background is right and that everything that can be done is done in terms of putting in place legislation that allows inherent risk to be recognised and that allows incorporated associations, who are almost without exception staffed by volunteers, to function in the way that they have functioned in the past. It is just not good enough to say that it is all the fault of the insurance companies. I do not believe that is a solution that the people of Queensland should accept.

The issue of public liability insurance and the effect it is having on volunteer based incorporated associations in Queensland is probably one of the top six issues that I as a local member have to deal with. It is probably one of the most frustrating, because we have not been able to achieve any progress. We have not been able to provide anything but false hope for these people who work in voluntary roles in the incorporated associations.

As we consider the changes being made to the Associations Incorporation Act, it is incumbent on this parliament to urge the minister in the strongest possible terms to look at the Associations Incorporation Act in its entirety and see whether there are any options that can be taken to move towards a solution to this problem. I accept that there is a whole range of other acts that affect the public liability issue, but there needs to be an examination of the Associations Incorporation Act from the point of view of protecting incorporated associations into the future.

I know that a number of communities have looked at a range of initiatives to try to overcome the difficulty and have been hampered by the details of the Associations Incorporation Act. I know that there are councils that have investigated the possibility of bringing all of the incorporated associations within their community under one banner, or even bringing all of the incorporated associations under the shire councils banner in an effort to overcome the individual public liability issues for each of those. It has proven to be incredibly difficult to do that.

One of the contributions the minister could make towards achieving a solution to this problem is to review the Associations Incorporation Act from the point of view of making it possible for those incorporated associations to adopt some of these newer or cooperative structures to meet their public liability insurance premium and at the same time protect the people who are part of those incorporated associations. I know that it is a complex issue and it has to be dealt with across a broad range, but the process could certainly start at that point.

A whole range of other acts are amended by this bill. They are listed through the minister's second reading speech. The bill amends the Business Names Act 1962. Those amendments relate to the renewal period for registering a business name. The opposition certainly does not have any problem with those amendments. The bill amends the legislation that deals with the classification of films, publications and computer games. That is in response to a recent High Court decision which has cast doubt on the validity of some of the state legislation and the powers it confers in terms of the relationship between the state and the Commonwealth. That

amendment is a technical one that validates a position that was brought into some doubt by that court decision.

The bill also amends the Collections Act 1966. That, too, is a technical amendment. It amends the Co-operative Schemes (Administrative Actions) Act 2001. Once again, we do not have any problem with that. The bill also amends the Commercial and Consumer Tribunal Act 2003 to change the powers to extend the times for the making of applications with regard to the Property Agents and Motor Dealers Act. This particular issue has been the subject of debate in this House before in relation to the marketeering activities of some property agents. It has been thoroughly debated in consideration of previous legislation.

I say to the minister, however, that from time to time approaches are made to my office by people who have been caught up in marketeering schemes for investment property. They feel particularly aggrieved that the legislation addresses non-investment residential property. They do not believe that they have the same protection for residential investment property. That is a debate that has been had and the points of view are well established in the public domain, but I bring to the attention of the minister that there is a group of people out there in the community who certainly still feel angry and almost discriminated against in some cases because of the way that particular issue has been handled.

The bill makes some other changes to the Property Agents and Motor Dealers Act and the Commercial and Consumer Tribunal Act. Those are amendments to clarify and tidy up some of the minor details of those acts in relation to the profiteering activities of some property agents and real estate agents.

Various amendments are proposed to the Introduction Agents Act 2001. The amendments are minor and technical to a great degree and they will receive our support. I do not think there is any point in my going through those. The bill also amends the Partnership Act to exclude partners from legal liability as a result of the activities of another partner. That is a reasonable and fair approach to what can be a particularly difficult problem in particular circumstances.

The bill also amends the Racing Act 2002 to allow a race club committee member to become a member of an appeal committee. While it is only a small, technical amendment to the Racing Act, it brings before this parliament again an issue that has had profound impact on my constituency and a profound impact on communities right across Queensland.

I believe the current Queensland government and the minister particularly will be judged very harshly by the people of Queensland for what they have done to Queensland Racing—and so they should be. What this government and this minister have done to Queensland Racing is one of the greatest maladministrations that I could have imagined, and I hope the day of judgment will come when the people of Queensland will have their chance to express the anger that I know is out there right across all of the communities that I represent and all the rural and regional communities in Queensland. I believe that anger—that understandable anger—is also recognised by the people of urban Queensland, and I hope they too will support the changes that we have promised to bring to Queensland Racing to try to rectify some of the damage that has been done by an incompetent minister and a government that just did not understand what it was about.

The bill also provides some amendments to the Security Providers Act in relation to security providers who wear uniforms that can be mistaken for police uniforms. That is an issue that needs addressing. It makes other amendments to the Travel Agents Act, most of which are technical in nature. The opposition does not have any problems or concerns with the amendments that have been made. The bill allows the consideration of some of those issues that I have mentioned briefly, and I am sure other members of the opposition will take the opportunity to make some comments about those. I commend the bill to the House.

Madam DEPUTY SPEAKER (Ms Phillips): Order! Before calling the member for Springwood, I would like to welcome to the gallery students and teachers from Morayfield East State School in the electorate of Kallangur. Welcome.

Ms STONE (Springwood—ALP) (12.02 p.m.): It is with pleasure that I rise to speak in support of the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill before the House. I particularly wish to speak about the amendments to the Security Providers Act 1993. The bill amends section 21 of the Security Providers Act 1993 to allow for new grounds for the suspension, cancellation or refusal to renew a licence. This includes where the licensee has been convicted of an offence against section 666 of the Industrial Relations Act 1990, which relates to the underpayment of award wages and where the licensee has contravened an order of the industrial commission or of the Industrial Magistrates Court to pay wages.

I have been approached by a few constituents in regards to some cowboy security operators not doing the right thing by them in relation to their employment conditions and wage entitlements. While I cannot comment on specific cases because they are currently being heard, I know this is very upsetting for those people and their families. Often the court cases—especially one which I have had raised with me recently—are taking quite a long time to be heard, which certainly goes towards stressing those families more. Fortunately for the people who have raised their concerns with me, they have all been union members and the Miscellaneous Workers Union has certainly taken their case on board for them.

When I informed my constituents who had been victims of these security cowboy companies of this amendment, they were extremely happy that this will apply in the future. Many of these people want to work in an industry of professionals and they do not want to work in an industry where the cowboys are getting away with underpaying security officers, and therefore creating an environment where security providers who are doing the right thing by their employees cannot compete. I thank the minister for listening to the concerns of my constituents, and I hope these cowboy operators will eventually be weeded out through this legislation.

Another area on which I often hear concerns regarding the security industry is through LIAG—Liquor Industry Action Group, Logan corridor—to which I belong. LIAG combines hotel and club licensees, managers and staff, security licensees and staff, Liquor Licensing staff, police and other relevant stakeholders to look at concerns regarding their industry and to lobby for changes in legislation. I have worked with this group to put forward their views on what they believe are necessary changes to legislation. I know they are pleased to see these changes to the Security Providers Act which are before the House today, and I know they have in the past lobbied and will continue in the future to lobby for more changes to rid the industry of cowboys in the security industry.

Many of them agree the security industry has changed for the better but they also know that there are still a few cowboys out there who create a bad name for those other security providers and also create a bad impression on the patrons and therefore can affect the patronage of a club or a pub. They believe the restriction on security guards dressing similar to police is also a positive step in ridding the industry of these cowboys.

Another important role that LIAG does for the community is educate young adults on their responsibilities for responsible drinking practices and ensure they also know the club and pub has to abide by laws for responsible service of alcohol. The group feels it is very important to those turning 18 to know this and has begun educational talks at high schools to explain offences, drink spiking and responsible behaviour expected of patrons expected at their club or pub.

I would like to congratulate the minister and the schoolies task force on what a fantastic job they have done for schoolies week 2003. I must also thank the relevant departments responsible for the schoolies booklet and the *Psst!* book for the relevant and practical information provided to school leavers. I was fortunate enough to be involved in schoolies talks at all the high schools in my electorate this year, and along with local police officers from Logan Juvenile Aid Bureau—Whetu Haerewa, Steven Miles and Rachel—we informed the students of their rights and responsibilities under the Police Powers and Responsibilities Act.

The police officers were fantastic. They gave great examples of how one mistake at schoolies would have such an effect on a young person's life. It could mean a criminal conviction and therefore a huge reduction in career choices and reduced choices in overseas travel destinations, especially if they received a criminal conviction for a drug offence. They showed pictures of a watch-house and explained the process of being arrested, and they pointed out how everyone is treated the same. Even politicians are not exempt from strip searches.

Veronica Longley spoke to the students about sexual health problems, health issues and contraception, and they were given a wealth of information regarding their health and all that is important throughout their life. Logan's community group YFS spoke about sexual assault, drugs chill-out areas and where to seek assistance. Julie Goldsmith and management spoke realistically and practically to students about some of the situations that could happen while celebrating schoolies. Greg Miller of YFS spoke of healthy relationships for boys. Hardy Barnett from Youth and Family Services spoke of young men's health issues. Robert Spencer and Wayne Horkings from the spinal awareness education team gave an insight into spinal injuries and safety.

We had Alana Cresswell from PA Hospital and Francesca Rourke speaking on organ donation issues. Maria Philippi from YFS spoke on legal and accommodation issues. Leisa Brandon from YFS spoke on young men's health issues. Vicky Halligan from YFS spoke on drugs

and alcohol. We had Ian Douglas from Safe Drive Training. These people all gave valuable information to our school leavers. Some of the stories were quite horrifying and gory, while they were real-life stories that provided an insight to our young people of what can happen. Cathy Martin from Relationships Australia spoke on responsible gambling and the negative impacts that gambling addiction can have on a young person's life, and once again students received good lifelong advice.

This is an area that LIAG is very proactive in. It is mindful of the harm minimisation to gambling through the responsible gambling code of practice and the valuable service gambling counsellors provide to the local community. Surf-lifesavers gave CPR demonstrations and practical tips on swimming safely in the surf. I congratulate these schools for arranging these classes. I would especially like to acknowledge Peter Bubbers from Shailer Park State High School for ensuring that I had a timetable and made it to my classes on time. I thoroughly enjoyed sitting in on the classes, listening to the views and concerns of the young adults, and I enjoyed passing on information to them that may assist them to celebrate safely.

All speakers agreed that all we want is for young people to celebrate the end of their school studies safely and with lots of fun. This year's schoolies has been one of the best planned and has been successful in achieving a safe and fun time for school leavers. I spoke to school leavers in my electorate on under-age drinking, fraudulent IDs and sections of the Liquor Act. I congratulate the government, all the departments involved and the resources and hard work that has been put in to alleviating the fears of parents whose children are at schoolies. I was really pleased that I was involved in doing that with them. I am especially pleased to see amendments to the Security Providers Act in this bill. I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (12.09 p.m.): I rise to speak to the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. In speaking to the legislation, I would again like to put on the record my appreciation of the work done by the Fair Trading Office, in particular in Rockhampton, with whom we have fairly regular contact. All of the officers there respond in a very timely manner to matters of concern that are referred to them. They give good, timely advice to constituents who ring them seeking clarification on things like small committees wanting to run raffles and small fundraising ventures. We have found them to be very good in the administration of their responsibilities. I want to put on the record that the Rockhampton office, which is the closest geographically and the one that we contact the most, does a wonderful job.

The member for Callide made a number of comments in relation to small clubs and public liability insurance. Rather than going over those points, I would like to concur with his comments generally. Small associations in my electorate have found it very difficult at times to raise the money for their public liability insurance. In fact, some have said that the premium increases were the total of what their fundraising might be for an entire year. Our community has been the loser—I am sure it has happened in the minister's electorate, as it has right across Queensland—in relation to the changes that the insurance industry brought about. They did blame the HIH collapse and September 11 incidents. However, all of the rises in premiums cannot be blamed on those two incidents.

Many of the changes in this legislation are technical or consequential in nature and correct drafting errors or errors that have been identified in the administration of a number of acts since the commencement of the new provisions. I do not want to comment on those, but there are a couple of areas that I did wish to raise.

This legislation intends to make some amendments to the racing industry, particularly in relation to the membership of boards for appeals, et cetera, and clarifying an error that was drafted without realising the implications of it.

Racing across Queensland has faced quite dramatic changes over the last couple of years. I want to refer particularly to the Gladstone Turf Club in my electorate. We have two race clubs, the Calliope Jockey Club and the Gladstone Turf Club. Calliope has always been a fairly small enterprise. The times that I have been there they have functioned very well as a small community racing club. It is a grass track that is community maintained. There are a number of other equine activities that occur on that same area of land. That has been a fairly recent development. However, they are a small group of country people who work very hard to have what is now a reduced number of races at the club. I wish them every success.

The Gladstone Turf Club, however, plays a much larger role in the community. As other speakers have said previously, turf clubs are not just the race meetings. They provide employment for a large number of people behind the scenes, many of whom we do not give

sufficient recognition to Gladstone is no different. For many years it has been on the agenda to move the Gladstone Turf Club from its current location on Dawson Highway out to Ashpond Seven. The reclamation at Ashpond Seven has been part of NRG and the port authority's program. It is a location that has been set aside for the turf club's relocation.

There is a small committee that runs the Gladstone Turf Club, some perhaps more actively than others. Nonetheless, they work very hard to maintain the viability of the club in its present location. It is a sand track. For many horse owners that is becoming less and less palatable as far as an appropriate surface is concerned for their animals. The relocation of the Gladstone Turf Club is critical to the continuing success of the Gladstone racing industry.

A significant meeting was held at the club when Russell Cooper was Minister for Racing. In fact, meetings were held before Russell Cooper was the Minister for Racing. They effectively do not have a clubhouse. It is a very large shed. The groundwork was put in place to achieve a more detailed document as far as the relocation was concerned. The needs were established as to the Gladstone Turf Club. The program was more loosely put in place as far as its relocation was concerned.

With the restructure of the Queensland Principal Club to Queensland Racing, we had a meeting nearly 12 months ago with Bob Bentley about the relocation. Part of the requirements of Queensland Racing was that they take over freehold ownership of the property. The proceeds from the sale of that property would be used in part for the reconstruction and relocation of the turf club. It is currently a deed of grant in trust to the turf club. The initial undertaking was signed by the club with some misgivings. There are not a lot of turf clubs across Queensland, particularly in rural Queensland, that have a lot of faith in Queensland Racing. They see Queensland Racing as having gutted the racing industry in rural Queensland. There is no great love lost in relation to dealings between rural clubs and Queensland Racing but it was seen that that was the only way forward.

Agreement in principle was reached that the land would be signed over to Queensland Racing on the premise that it was understood that the government supported the relocation and supported the process that was required. There was a large company that was interested in purchasing the property. There has been a one style of offer that has been signed by the turf club in Gladstone and Bunnings hardware. At the moment that has ceased because it has run out of date, but I understand that Bunnings retains its interest in the property. In fact, it is a very desirable commercial property because it is very exposed on Dawson Highway. It is in proximity to the major shopping centre. The community has to pass that site to get into the centre of town. It has a very good exposure as far as commercial properties are concerned.

Because of a recent briefing that I received, I understand that the government's attitude towards the sale of the property has changed. Now the government is demanding that all proceeds of the sale go into consolidated revenue and the government will decide whether the relocation should be funded. I bring to the minister my deepest concern that that mechanism creates a great deal of uncertainty in the minds of the Gladstone Turf Club. I clarify that I have not spoken in detail to the turf club about this change of direction, but the change of direction could provide them with a great deal of unease. That is because there is no guarantee prior to the sale of the property at this point in time that the relocation will be funded. That would be devastating.

The Gladstone Turf Club is viable. It has had a reduction in the number of racing days under Queensland Racing from 17 to 12. If the facilities are relocated in an appropriate way they could, aside from race meetings, generate an income stream. That could be done simply by the style and location of the buildings, their access out of racing hours et cetera. A great deal of opportunity could be made available to the club to generate income that they can then reinvest into the club site.

I put before the minister my deepest concern at the strange change in direction that has been taken. More importantly, I ask that an assurance be given to the Gladstone Turf Club committee that funding for relocation, including relocating all the buildings that are necessary for the turf club to succeed in the future, will be supported by Queensland Racing, the Department of Tourism, Racing and Fair Trading and Treasury. This is so that the Gladstone Turf Club can continue to have some confidence in the future of the club with the long-term plan, which has been in existence for quite a number of years, to relocate to Ashpond Seven. That relocation has the support of the Gladstone City Council. It has the support of the port authority and other instrumentalities in the area. It should be supported, and must be supported, by the government.

The other area that I wanted to comment on was the amendment of the Classification of Computer Games and Images Act 1995, the Classification of Films Act 1991 and the Classification of Publications Act 1991. I understand that the amendment is technical in that it allows the implementation and use of Commonwealth powers. It is required as a matter of clarity that state officers be given the same powers that can then be devolved. I put on the record my concern, and the concern of many in the community, that there be a retention and a guardedness in terms of the classification of these games, films and publications for the protection of our community. There is a lot of argument against classifying films, censorship, et cetera. The reality is that many of the games and films, but particularly computer games that children access, are graphic in nature, either graphic by the nature of their violence or they are sexually explicit. It is important that some control be maintained on the material that is made available to our community, to adults and to children, and the ability for government to enforce standards where there are individuals who are not prepared to comply.

There is plenty of evidence within the community to show the influence not only of computer games but also of films and publications on the behaviour of members of the community. It is almost invariably detrimental, in this area of government legislation anyway, and I commend the minister for taking action to ensure that policing of the classification process can continue with this small amendment.

Again I thank the minister for the work that her departmental officers and also departmental officers in Rocky provide to the community; it is valued and necessary.

Mrs ATTWOOD (Mount Ommaney—ALP) (12.21 p.m.): Although this bill relates to amendments to 15 pieces of legislation, I will confine my comments to the amendments to the Security Providers Act 1993. There have been some concerns raised about the status of security service providers by some ordinary Queenslanders and tourists. Some security service providers, operators and licensees operating in Queensland in recent years have been mistaken for, or have been purported to be, Police Service officers. The amendment to section 14 of the act allows the deferral of a decision to grant or refuse a licence pending the outcome of any proceedings against the security industry applicant which constitute a disqualifying offence.

The bill amends the definition of a disqualifying offence to include any breach of the prohibition against pretending to be a police officer contained in the Police Service Administration Act 1990. Licensees in some areas of the security provider industry wear uniforms which may be mistaken by the public for police uniforms. This measure would act as a deterrent to the possibility of a licensee exploiting any such confusion and abusing an individual's rights or liberties. Language differences, cultural influences and limited experience with Australian authorities make ethnic communities and tourists from some countries heavily reliant on their perception of persons in authority while in Queensland. The unconscionable practices by some security providers can lead to reduced confidence in our dedicated Police Service officers. Queensland's image as a tourist destination may be tarnished by such conduct and this could create an impediment to growth in our great tourism industry in Queensland.

The government made a commitment prior to the 2001 state election to address problems with the security services, guards, and crowd and traffic controllers by introducing regulations to ensure the public were not misled by those imitating Police Service officers. Prosecuting the crowd or traffic controller for wearing the wrong uniform is not good enough if we are to protect the good reputation of the Queensland security services industry. It is appropriate that an executive officer or partner who is in a position to influence the conduct of the corporational partnership and who is responsible for a contravention should be accountable for such a contravention. This is especially relevant to the security services industry because many people visiting our great state have little or no knowledge of how security services businesses should operate in Queensland and could easily mistake a security person for a police officer. Using a similar uniform and pretending to be a police officer may cause people approached by these fraudsters undue stress, anxiety and concern.

This bill addresses the undesirable and unscrupulous practices outlined above and provides protection for domestic and overseas visitors by regulating the conduct of security service providers and crowd controllers. The amendments to the act in this bill are considered to be a reasonable and appropriate way of achieving the objectives. The amendment is consistent with fundamental legislative principles, as the chief executive would be required to provide a written notice stating the decision to defer, the reasons for the decision, and that the applicant may appeal to the Magistrates Court within 28 days. The proposed legislation is generally supported and in some cases has received strong support from honest security service providers, the ethnic

community and the tourist industry, all of whom have stakeholders who could be disadvantaged by people impersonating or being mistaken for police officers.

Amendments also expand the grounds for disciplinary action under the Security Providers Act 1993 to include a breach of the Industrial Relations Act 1999. The specified breaches relate to the underpayment of award wages or an order of the Queensland Industrial Relations Commission or Magistrates Court to pay wages owing. Most security service employees are part-time employees and it is appropriate to ensure that their wages are paid with due diligence.

These amendments will ensure that the quality of security services is not compromised at the expense of public safety. A number of stakeholders have suggested that the security industry should be subject to even further regulation. However, the government is mindful of the need to minimise red tape and will monitor the effect of the proposed legislation in the first instance. I support this bill.

Mrs SHELDON (Caloundra—Lib) (12.26 p.m.): I rise in the debate on this Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. The objective of the bill, as stated, is to amend a number of acts administered by the Department of Tourism, Racing and Fair Trading. The bill affects 15 acts and I certainly do not propose to discuss them all, but there are a number of amendments which are of importance to people in my electorate and also the general electorate.

The bill provides a new mechanism for vesting property in the Public Trustee upon the cancellation of an association under the Associations Incorporation Act 1981. This is an important amendment. Previous speakers have spoken on the issue of public liability for associations, incorporated associations or groups which have incorporated and the problems they have experienced in the past and are still experiencing regarding public liability, their indemnity, insurance policies and the cost of those policies. While certain provisions have been put in place by this government and by the Insurance Council, nevertheless, the cost for many associations to ensure themselves against public liability has actually resulted in the closure of those associations. That is a very sad situation.

In a community like Caloundra, where you have a large number of retirees and also young people, a number of associations with specific interests provide a great social mechanism, reinforce community interaction and spirit, and provide a very necessary link in the fabric of our society and our communities. For them to have to close often leaves a void in the community with regard to the work and training that they undertook. This is an issue that does need further investigation. As with most issues, it has gone off the boil, but it is still there; it is still a major concern in communities. I get a number of letters and representations made to me about this issue. I urge the minister and the government to continue to look at it.

I do not know that the insurance companies themselves are carrying their full weight on this issue. It is a long time since they had the major problem with reinsurance that created a lot of concern with regard to the level of their policies. In some respects it opened the floodgates to open slather on extraordinarily high premiums for small groups with a very low risk, whose risk assessment profile was extremely low. Many had never made a claim but, with the litigious society we now live in, they had to have themselves covered in case a claim was made.

Now that the dust has settled, I believe there should be a full audit of the public liability for associations and incorporated groups, how this translates to the general profitability of insurance companies and whether these premiums could now be reduced. As we all know, it is very easy for any company to increase costs. They never seem to go down; they always go up. This is one area that needs government supervision.

The bill also amends the Property Agents and Motor Dealers Act 2000 to allow the Office of Fair Trading to accept a greater range of enforceable undertakings from traders who breach the act. Undertakings could then be made to provide for remedies such as corrective advertising and compliance training. I agree with that provision. The Property Agents and Motor Dealers Act covers, in its broad legislative sweep, a number of dealers and agents out there in the community who deal with the community and consumers on a daily basis. There are certainly many occasions when the average consumer has been taken down by false advertising or product and/or service that is deficient. They have had very little recourse. I believe it is a major responsibility of the Office of Fair Trading to look after these people.

Amendment is also made to the Property Agents and Motor Dealers Act 2000 to allow a real estate agent or salesperson who has an interest in a property prior to sale to act for a vendor in

the contract. I would like the minister to clarify an issue in her second reading speech. I do not quite understand this. The second reading speech states—

As there is no conflict of interest in these cases, the prohibition is unnecessary.

What cases are we talking about? Surely there is the possibility of a conflict of interest. Perhaps the minister could explain why this statement has been made. It goes on to state—

A conflict of interest arises where an agent or a salesperson obtains a beneficial interest because of the sale.

That is true. I would agree that that conflict could arise. Is an interest in a property prior to a sale defined so we know what that interest really is? I believe it should be so it is very clear in this particular situation. The minister may be able to explain that very simply.

The bill also amends the Racing Act 2002 to allow a member of a race club committee to be a member of an appeal committee. Obviously, many people in this circumstance have that experience and could be a member of an appeal committee. I take the opportunity of congratulating the committee and those people involved with the Sunshine Coast Turf Club. I was out there a couple of Sundays ago for a race meeting.

I suggest that those members who have never been to the Sunshine Coast Turf Club go there. I know many members on both sides of this House holiday in Caloundra—and I will see a number of members over Christmas; very wise members are to holiday there as it is a beautiful spot. The racecourse is a prime racecourse in a magnificent location. We now have bigger and better race meetings with more TAB betting. It is not only a tourist attraction but also a major economic provider for our community, both in terms of jobs and training.

It is not easy to succeed in this very competitive racing industry. We have heard a lot about the viability of the racing industry. To keep a club going, to be able to provide adequate prize money, to have races that attract owners and trainers to the area and to get owners to run their horses is difficult—but they do up there. I am very pleased to see that it has had a further allocation under the restructured racing industry. That is very important. It is an important track. It is one of our major tracks. I would like to see more undertaken.

As the minister probably knows, the race club is trying to purchase land from the Caloundra City Council. I hope they are successful. As the minister may know—and she was not the incoming minister—I provided funds for the club to buy that land from the Caloundra City Council, at a considerably lower cost than they now face. The racing minister who came in when we changed governments pulled that money and would not allow it to occur. That is very sad. This was for a viable industry and something they desperately needed. I would urge the minister to help in any way she can—and I have spoken to Bob Bentley about this—whether it is a reasonable loan or guarantee or whatever is required to help the turf club purchase that land. A number of trainers are locating to the Sunshine Coast, including Bruce McLachlan. To have adequate land to expand and build training facilities, which the club intends to do, would be a great boon.

The bill also amends the Travel Agents Act 1988 to provide a prosecutable offence to cover applicants for travel agents licences who provide false information. I agree with this. I know the minister acted in this regard on a matter I sent her where we were having trouble with a particular travel agent. That person has subsequently had their licence suspended. I commend the Office of Fair Trading for their action in that regard.

The Department of Tourism, Racing and Fair Trading covers tourism, which is a major industry in our state. I think tourism contributed something like \$16 billion to overall GDP of the state in the last financial year. Recently, I went to a special meeting of Tourism Sunshine Coast. There is no doubt that there have been problems over the years with Tourism Sunshine Coast, which is a great pity. A lot of it has been personality driven, but a lot of it has been due to a lack of funds for that regional body to carry on its work.

There are three councils on the Sunshine Coast. There is a lot of parochialism from the councils, but certainly a number of their constituents are about promoting one area over the other. I believe we must promote the region as an entity and then Caloundra, Maroochydore, Noosa, Nambour and the hinterland can be promoted as individual areas. Caloundra Tourism is doing a great job. Members may have seen the commercials on coming to Caloundra. The tourism body at Caloundra believes we have had an increase in consumers since those ads.

Unless we have a major tourism body with the funds able to promote the Sunshine Coast as an entity like the Gold Coast, far-north Queensland and north Queensland, then we are going to miss out in the race. It was a very good meeting. It was well run by chairman Graeme Pearce. I

congratulate him and the interim committee for the hard work they have done in stabilising Tourism Sunshine Coast. I also thank the officers of Queensland Tourism who have worked very well with Tourism Sunshine Coast to restructure that organisation and provide advice and help. Stephen Gregg and his team deserve thanks and praise for doing that.

I wish the incoming board well. They do not have an easy task, but they are now well on the way to being able to perform that duty. The various councils on the coast have now introduced a tourism levy, a good proportion of which will go to Tourism Sunshine Coast. The councils are prepared to contribute more if they see Tourism Sunshine Coast is doing its job, promoting the area and conducting itself in a fit and proper manner. I think tourism on the Sunshine Coast has a very bright future. I will be supporting these amendments. I commend the bill to the House.

Mr POOLE (Gaven—ALP) (12.38 p.m.): The Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill amends a large number of acts administered by the Department of Tourism, Racing and Fair Trading. I would like to comment on both the Security Providers Act and the Travel Agents Act 1988 which have been amended to give the licensees the opportunity to choose a one or three year licence period. Currently, the only choice is an annual licence. This demonstrates a commitment to offering licensees flexibility in choice in applying for a licence or renewal. Licensees who choose a triennial licence will not have to bother themselves with the administrative work involved in the submitting of an application and fee every year.

Three-year licences are already available under the other acts administered by the Office of Fair Trading. Another fine example of the minister improving administrative efficiency is the amendment that this bill makes to the Associations Incorporation Act 1981. Currently, there is a considerable delay between the cancellation of an association and the vesting of its assets in the Public Trustee. This creates a period of high risk and exposure to liability if assets are dealt with improperly. Whilst the majority of associations are small and their assets are relatively minor, some associations have significant turnover and asset value. Clearly, there is the potential for funds to be misappropriated in this period. The vesting of property by gazettal rather than regulation is an automatic process that is not only efficient but also minimises these problems and reduces the workload of both the Office of Fair Trading and the Public Trustee. The amendment also brings Queensland into line with all the other states in this regard where vesting is, by implication, automatic.

I would also like to comment on an issue that is close to me. I have heard all the negativity from the opposition and the crossbenchers. I would like to make a comment, because I believe that I am the most qualified person in this House to be talking about the racing industry. I would like to comment on the amendment that this bill makes to the Racing Act. This amendment proposes that a member of a race club committee be allowed to be a member of an appeals committee. That is just commonsense and has no sinister overtones.

I was a horse trainer for over 20 years, training horses in Queensland, South Australia and New Zealand. I trained well over 300 winners. As I said earlier, I believe that I am the most qualified person to talk about the racing industry. I have never seen any legislation that has ever been to the detriment of racing in my life. My father was also a trainer for 40-odd years. Everything has been done for the betterment of the racing industry, as we can see by the huge prize moneys that are offered. The people who took these steps earlier in our racing history have now seen the fruits of their rewards. I can honestly say that Queensland is heading in the right direction.

Over the past 20 years to 30 years, the racing industry in this country has made great strides. It has gone from strength to strength. It has moved only forward, never backwards. Each year the public attends such nation-stopping events as the Melbourne Cup in greater numbers and the racetracks on the Gold Coast are very well patronised. In fact, despite the occasional bleatings to the contrary from the members opposite, we can truly say that the racing industry in Australia is experiencing boom conditions. The racing industry is well regulated, it is a viable and very valuable part of the entertainment industry in this country and it employs a hell of a lot of people. I support the bill and commend it to the House.

Mrs PRATT (Nanango—Ind) (12.42 p.m.): I rise to support this Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. I note also that it amends 15 bills, which is a lot of bills. I note also that it has been the way of this House over the past few weeks to amend quite a number of acts in one hit.

With regard to this bill, most of the other members who have spoken have brought up the insurance debacle and how it has impacted very heavily on communities. I support everything

that has been said. I know that in my own area the effect of the insurance premium increase has been horrendous. Many events that were once free now require a gold coin donation to try to cover costs. In many instances, that stopped people from even patronising those events simply because money was very tight at the time. I think that one of the sorriest things that has come out of the insurance debacle is that it has emphasised people's greed, their lack of responsibility for their own actions, and their willingness to bring other people or organisations down in the process.

I also remember that the government came out all gung-ho with a scheme saying that it was going to be the saviour of all of these small community groups that were going to close due to the pressure that the insurance premiums put on them. Unfortunately, that did not happen. It would have been a wonderful thing if it had. Perhaps the scheme was poorly thought out. It could not be implemented in the way that everybody hoped. It is sad, because I believe that the people who bear the brunt of this are those who live primarily in small rural communities. These small rural community groups thrive on holding public functions where they raise money for a charity in the area. Since time immemorial they have tried to help those who are less privileged than themselves.

Most people would recognise that in rural areas people's incomes are a lot lower, people have a lot less to give and any little bit that they give needs to go 100 per cent to the organisation or the charity. Unfortunately, that did not happen. Groups such as CWA would go out and hold a function and almost the entire year's fundraising money would have gone to meet the insurance premium for the event. So they just said, 'We can't do it. We will just have to close it, forget it this year and hope somewhere in the distant future we can resurrect this fundraising event.' That has not happened and a lot of people have suffered. I remember also that a lot of the events closed for what people thought would be just once, and they were quite major events. At Burrandowan, the race day was going to be their last event. They had a bit of a reprieve. They had a little bit of money left and thought that they could get through another year. But the axe hangs over their head all the time. Again it has come up in conversations and the Burrandowan racing committee has the concern that it might never actually be able to hold the races in the form that they were held in the past. That is a really sad thing, because the Burrandowan races is like a mini-Birdsville races held in my electorate. It involved the whole family—mum, dad and the kids. It was part of a way of life in rural areas where people came together. That tradition has been lost to the community. Part of our heritage has gone and that should be mourned by everybody.

Insurance premiums have not gone down. They continue to rise. I believe that more and more charities will lose out. People will close down their fundraising events. Those people who were supported by small community groups will turn to the government for financial assistance. The government will fork out more and more. It will be forever handing out dollars to support what the community used to support.

I am a member of Zonta. In the past, we have held fantastic fundraising events such as air shows. In the process, we were able to spend up to \$20,000 or \$30,000 to hold events. At the moment, it is impossible for us to do that. We are—and proudly doing so—making things like breast cancer cushions so that women who have had their breast removed can use a cushion to hold themselves. But that is a far greater change to fundraising than we would have liked. We were making thousands and thousands of dollars, but we are now just making cushions that cost \$10 or \$15 each. It is an horrendous thing for us and our morale that we have not been able to host these huge events to make the large amounts of money that we used to. What we can no longer raise, the government will pick up. It is as simple as that. In the long run, the government will always have its hands in its pockets to try to make up for the shortfall created by charities not being able to raise funds. That is very, very sad.

Many of these incorporated associations cannot survive. They hang on because they have that little bit of spare cash. They will fade away and the Public Trustee will have to pick up the ball. It will go on and on until we become a community that relies on itself, takes personal responsibility for itself and just keeps moving on.

This bill seeks to amend the Classification of Computer Games and Images Act 1995. I think that is excellent. It amazes me how we have become desensitised to horrific things that happen in the world. I know that these images are just computer generated and that they are not the real thing, but they might as well be because kids' imaginations just pick them up. Often they do not see the differences between the computer generated image and the real thing. I really do appreciate and welcome these amendments to that act so that there can be some form of

monitoring of the process and some sort of control and so that the government is able to enforce those controls. I really appreciate that.

I note that the member for Gaven said that he cannot see how racing has gone backwards. Recently I went to the Nanango centenary races. They have lost a number of races from their calendar. They would argue very strongly that they have gone backwards. I think a lot of clubs around the area would also say that they have gone backwards. It is not just the racing community that is affected; it is everybody who is associated with it. It affects the people who cart the horses, if they do not go on their own horse floats, and the people who supply the feed. It affects every single person who is involved—the people who make the cups of tea and even the bookies, to a degree. They suffer, too.

I spoke to Bob Bentley at the races. It was the first time I had actually met the gentleman. His belief about the way racing has been affected is so far opposed to what the people who are running the races around my area think that it is like they are speaking two different languages. Obviously there needs to be a major effort put in to getting them together to mull over these differences, because people are really hurting. It is no use sticking your head in the sand and saying that racing has not gone backwards. Maybe it has not gone backwards in the cities, but all of the local people in my area who are involved in it would argue the toss at every opportunity.

Overall, I have no real worries about this particular legislation. I commend the minister on some of the parts that I have mentioned. As with many bills that have passed this House, I believe that this bill will enjoy unanimous support. I commend the bill to the House.

Mr CHOI (Capalaba—ALP) (12.52 p.m.): It gives me great pleasure to rise in support of the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. The objective of the bill is to amend quite a number of acts administered by the Department of Tourism, Racing and Fair Trading. However, the vast majority of the amendments are technical and seek to address operational difficulties that have been identified since some of the acts commenced.

I would like to speak about three of the acts being amended by this bill. The Property Agents and Motor Dealers Act 2000 will be amended to allow the Office of Fair Trading to accept a greater range of enforceable undertakings from traders who breach the act. Currently, the act only allows a written undertaking that a person will not continue or repeat their act or omission. The amendment enables undertakings for actions such as corrective advertising as well as compliance training. This will give consumers a greater confidence when dealing with traders because for minor breaches the Office of Fair Trading will have greater flexibility when taking action against those traders.

Other important amendments also clarify the definition of a 'used motor vehicle'. This will enable inspectors of the Office of Fair Trading to determine if an imported vehicle is in fact a used motor vehicle and consequently apply the provisions of the act. The definition standardises terms and references by adopting those used in the relevant Commonwealth legislation. I certainly commend the minister on her action to strengthen the provision which assists inspectors to enforce this key piece of consumer protection legislation.

I would also like to speak on the amendments to the Fair Trading Act 1989. The Fair Trading Act 1989 is amended in line with the recommendation for negligence law reform by the honourable Justice Ipp. The Ipp review was concerned that under the Commonwealth Trade Practices Act 1974 courts could impose liability on defendants without the need to establish fault. For this claim to succeed, a plaintiff has to be able to prove that a statement made by a defendant was misleading or deceptive, even if the statement was made with care and complete honesty.

The Commonwealth has introduced the Trade Practices Amendment (Personal Injuries and Death) Bill 2003 into the federal parliament to give effect to the Ipp recommendations. It is therefore also necessary to amend the mirror provisions in the Fair Trading Act 1989 to prevent actions that could have occurred under the Trade Practices Act 1974 from falling under the state's jurisdiction.

Finally, I will make a few comments on the Commercial and Consumer Tribunal Act 2003. The Commercial and Consumer Tribunal Act 2003 has been amended to correct drafting oversights discovered since the act commenced. The first amendment clarifies that the tribunal cannot grant an extension of time to claim where the claim has arisen out of a marketeering contravention in relation to the purchase of a non-investment residential property. This is the current policy in the Property Agents and Motor Dealers Act 2000. The amendment is sought in

the interests of clarity and to ensure that the objects of the provisions in the PAMD Act are not undermined.

A second important amendment is made to the tribunal act which reinstates the power to compel a person to answer any question put to them at a public examination. This is only in relation to serious breaches of the act where the actions of a trader put consumers at high risk of significant financial detriment. The Property Agents and Motor Dealers Tribunal had this ability, but due to an oversight this part was omitted in the drafting of the tribunal act. This amendment is necessary in order to restore the status quo, which was changed. I commend the bill to the House.

Mrs LAVARCH (Kurwongbah—ALP) (12.57 p.m.): I am pleased to rise in support of the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. While this bill introduces a number of minor and technical amendments to 15 acts under the portfolio responsibility of the Minister for Tourism, Racing and Fair Trading, this afternoon I want to confine my contribution to this debate to the proposed amendment to the Property Agents and Motor Dealers Act 2000 that relates to fund claims for stolen vehicles.

The proposed amendment circulated in the chamber this morning is most welcome news for the Boyd family of Eatons Hill. They might not be popping the champagne corks yet, but I can assure the minister that they are delighted that the amendments have been brought before the House.

Ms Keech: Hear, hear!

Mrs LAVARCH: I thank the member for Albert. In August last year I raised as a matter of public importance the plight of the Boyd family and the injustices that had been delivered upon them and the unfairness that they were facing in seeking redress for having purchased a vehicle from a reputable dealer only to find out that it had been a stolen vehicle. The motor dealer is an innocent victim in all of this as well.

I understand that quite a complicated and elaborate scheme was operating in Victoria and New South Wales in relation to four-wheel drives. They were brought into Queensland, the VIN numbers were changed and then the cars were sold through auctions, no doubt bought by motor dealers, and onsold.

At the time of the purchase of the Boyds' vehicle back in 1998, all of the checks that were then available to be done were done and they did not identify that there were any problems with the passing of clear title. In August 2002, some three and a half years later, there was a knock at the door of the Boyds' home in Eatons Hill. It was two detectives from the organised crime squad who advised them that they suspected that their vehicle was a stolen vehicle and it was impounded.

The Boyds have been through many twists and turns, trying to get redress for being out of pocket and suffering loss through no fault of their own—they did all of the things one would do to protect oneself as a consumer—only to find out that there was little redress.

This amendment to the PAMD Act now gives them an avenue to seek compensation for their loss. I take this opportunity to thank the minister for her compassion and understanding in the Boyds' case, for her willingness to listen to their plight and for being so approachable and agreeing to meet with them. She met with them and worked with the Boyds in the circumstances to give them an avenue to make a claim.

Ms Keech: She is a caring minister.

Mrs LAVARCH: She certainly is. I congratulate the minister and thank her on behalf of the Boyds. The Boyds now have to make a claim to the Commercial and Consumer Tribunal. Hopefully that will deliver a wonderful Christmas present and the Boyds will have their losses reimbursed. I commend the bill to the House.

Sitting suspended from 1.01 p.m. to 2.30 p.m.

Mr HORAN (Toowoomba South—NPA) (2.30 p.m.): The Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003 deals with a large number of issues. I want to speak mostly to the amendment to the Racing Act. We have indicated our support for this particular bill. The key amendment to the Racing Act allows for a member of a committee of a licensed club to also be a member of an appeal committee. This will allow someone who has experience, skills and a good track record to be appointed as a member of an appeal committee. I think it makes a lot of sense. We are supporting that. All the other amendments are mainly drafting and typographical errors that have to be fixed up.

I want to speak about some of the issues facing racing at the moment. Racing under this government has been through an enormous amount of trauma, particularly country thoroughbred racing, where 193 race meetings have been closed down. If we extrapolate out those 193 meetings with six races per meeting, that is 1,058 races. If we look at an average of about seven horses per race, then it is nearly 8,000 horses who do not get a run. Every horse will race six to eight times a year, so something like 1,000 horses will not be needed per year as a result of that particular decision.

But, more important than that, what is our real responsibility as members of parliament? We all have different electorates, but there would not be too many members who do not have an electorate that has an involvement with country racing to some extent. Country racing has been a part of the social fabric of country areas of Queensland throughout the history of Queensland. For many communities a race meeting is perhaps the major annual event that they have. It is one of the most important events of the year. It is a time when people get together—like at their annual agricultural show. It is a tragedy to see how this has torn the heart and soul out of so many country towns.

I often use the example of Mitchell. Mitchell had some difficulties a couple of years back but it now has a new, young, vibrant committee. It used to race on Caulfield Cup day and get somewhere in the order of 600 to 700 people. The annual race day at Mitchell meant the world to that community, to members of that committee, to those publicans and business houses in the town who supported the event and to the motel owners. The whole district would come together with people who were often too busy or working too hard to see too much of each other during the year. What has happened to country racing has been a real tragedy.

It is not necessarily the fault of Queensland Racing. I think it is doing the best it can do with a limited pot of money. The real fault lies with the government of the day that has walked away and turned its back upon country racing in Queensland—and indeed other codes of racing. The limited pot of money that Queensland Racing has is its percentage out of the product fee that racing gets from the privatised company which is now called UNITAB. Out of UNITAB, on the formula of 75, 14.5 and 9.5 that applies to the three codes, racing gets in the order of \$76 million a year. That is the limited pot of money which Queensland Racing has to administer and provide the vast bulk of the prize money other than sponsorships for thoroughbred racing—likewise the Harness Racing Board and the Greyhound Racing Control Board.

As a result, in trying to boost prize money for metropolitan racing and regional racing to compete or be within striking distance of southern racing so that we do not lose TAB support, betting support, or trainers and owners moving down south, they had to endeavour to lift the prize money levels in the city and regional areas of Queensland. As I said, it is a limited pot of money because this government has turned its back totally and absolutely on racing.

The government certainly supports other industries. I will give an example in tourism—the Indy. Somewhere in the order of \$11 million or \$12 million a year goes into Indy. No doubt a lot of that is taken back over to America by the Americans who are heavily involved in running the event. It is a great event for the Gold Coast. It has huge spin-offs for the Gold Coast and tourism in south-east Queensland. But what do they give to racing? Nothing, other than the \$2 million that they provide for the integrity or the safety of the build-up of some of the tracks. Racing is an important industry. It is the third biggest employer in Queensland, with at least 55,000 people employed. If we look at the spectrum of that employment, it is people involved in lucerne farms and people driving floats and doing track work. It is strappers, stable hands, administrators, marketers, owners and trainers. It is the people buying and selling yearlings. It includes gala events and average, ordinary Saturday meetings and country bush meetings. It is a whole range of jobs and a whole range of opportunities for associated small businesses, caterers, providers of services and so forth.

Racing is a huge industry. We have a government that drops \$64 million in Department of State Development grants to the likes of Time Warner, IBM, Macquarie Bank and so forth. The racing industry is the most important social web within our community. It employs people in every town, every city, every community—whether it is young strappers, young apprentices, people involved in produce stores, people at the Magic Millions sales, trainers, jockeys, or people selling pies and tote tickets. There is an opportunity to grow, expand or maintain those particular employment opportunities and that particular important business in our state. This government has turned its back on all of that and walked away.

That is why I believe the racing package that the coalition has put forward—a \$20 million racing rescue package—will be embraced by Queenslanders because it is a practical package. It

quarantines a certain amount of money for country racing. It gives country racing control of its destiny under the umbrella of Queensland Racing and in accordance with the rules of Australian thoroughbred racing so that country racing will have control of dates and prize money allocation. It quarantines money for country racing. Our package provides money for regional and city racing. Our package provides money for greyhound and harness racing, and our package provides money, importantly, for the marketing of the three codes—for black type racing, for starting rebates, for carnival grants and those sorts of things that will help clubs and codes grow and develop their particular sport.

I heard the minister say that it was the first time ever that a government put money into prize money. What do you think happens to all the money that goes to Indy? Do they not get prize money and bonuses from the total funds that go into Indy? There is the money and the spin-off that comes from that. Government supports many, many events that pay prize money—be they tourism events or sports events. Ultimately, someone is paid prize money—professional players and so forth. The government provides money to all sorts of events throughout the state. In the past when the government owned the TAB and the government owned and administered the Racecourse Development Fund it was government money that was going not only into prize money and recurrent funds but also into capital development. I believe our racing rescue package, which I know has been well received, is a sensible package. It deals fairly with all of the three codes.

I have spoken previously in this parliament about the incompetence of the Harness Racing Board, which has brought that sport down to only two meetings a week at Albion Park, two at the Gold Coast and one at Redcliffe that is lucky to have survived, albeit on an alternate date. We have seen the demise of Rocklea. Due to their tenacity they are now allowed to race, but they have had their money taken away so they have to provide prize money themselves. They can only provide \$500 a race. They have to work hard to get sponsorship for that, whereas every other race club bar Burrandowan Picnic Race Club gets given their prize money.

We have seen the demise of the courageous Toowoomba Harness Racing Club. Rocklea was the only club in Queensland that had run and made a profit every year since 1987. Toowoomba was a club that had the lowest cost of operation because of the huge number of volunteers that performed almost every task there. The Toowoomba club, which had lost its dates, spent a lot of money going through an expensive court process and got its 26 dates back, only to have them ripped off it again by the Harness Racing Club, which has now offered them only a paltry four meetings around the time of the Toowoomba show and Weetwood, where everybody is going to some other major event in the city.

I want to bring up one issue about what the Harness Racing Board has done to the Rocklea club, that is, the Metropolitan Harness Racing Club. I refer to the issue of the income component from on-course TAB. When the TAB was privatised clubs received about 9.8 per cent on-course return from the TAB. Under the privatisation arrangements that was cut to 4.9 per cent. Clubs would never have agreed to privatisation but for the fact that the other 4.9 per cent that they were losing was going to be paid to them through the product fee that the three codes got through their respective boards, in this case through the Queensland Harness Racing Board. They dropped from 9.8 per cent to 4.9 per cent on their on-course totalisator returns. That 4.9 per cent they lost would come to them through the Harness Racing Board, through money they got from Product Co., the company that represents the codes and got money from the TAB.

Tragically, what has happened to the Metropolitan Harness Racing Club at Rocklea is that they have lost the 4.9 per cent that they used to get from the Queensland Harness Racing Board. Not only have they taken away their prize money—they have said, 'You can race but we won't give you prize money'—they have also taken away the 4.9 per cent that they used to get and which I understand has always been part of an agreement between the Harness Racing Board, the TAB and the clubs that operated under the Harness Racing Board. They have taken that money away.

Three or four years ago, in good faith, Rocklea negotiated with the TAB to have on-course totalisator betting on a Saturday at their races. They are locked into a five-year agreement. They have had all this money taken away from them and their on-course operation is not viable under those arrangements. That is something I want the minister to address. It is one of the most unfair things that could possibly happen. That, along with the huge hike in trainers fees, cutting out the race meetings at Toowoomba and Rocklea, the shifting of dates that disadvantaged Redcliffe and all the other things that the Harness Racing Board has done to lessen the exposure of harness racing to people and to lessen the opportunities for people to be involved in harness

racing, is cruel and it is wrong. I believe it transgresses the agreements that were in place when the TAB was privatised and when the agreements were put in place between the individual code, the TAB and the individual clubs. I would ask the minister to address that issue in her summing up of this bill.

The other thing that concerns people greatly is that if the Labor government won the next election the racing department would cease to exist, it would become part of a gaming and wagering office in the Treasury, and the scant regard that this government has for racing would be virtually nil because it would simply be part of Treasury. Treasury would be overseeing gaming and wagering. Poker machines or racing—it would all be the same to them. We would not have the government care and concern for racing that we should have and which has slipped away under this particular government.

There is another issue that is very important to people involved in racing, particularly in thoroughbred racing. There has been huge turmoil in the industry. I have spoken about the loss of 193 country race meetings. There has been the issue of stewards. There has been the issue of Traintech, the organisation on the Gold Coast who had been so successfully training apprentices and who had their licence taken off them. Everybody thinks that happened in very dubious circumstances, to try to prop up the Deagon operation of Queensland Racing. All of these things have added to the great uncertainty in the industry.

The one thing that people would like to know is: what is the future if this government ever gets back in? God help racing if it does. Under the Racing Act there was a set time for the board that composes Queensland Racing to put together a report on how the future administration and control of racing should operate. Should it remain as a board? Should it be a corporation of the industry? Or should it be a private operation? The act does allow for it to be a private operation. There are plenty of people around Australia who would like to run racing in Queensland and who would see it to their advantage to run it as a private company. The act does allow it.

That report had to be done. There was an extension of time to allow the report to be completed. The report has been finished. The minister now has the report. I ask the minister: will she release that report and tell us what is in it before we get to the next election? People involved in racing want to know what is being proposed and what the government is looking at doing in the event that Labor should win the election. Before the election we certainly have to know what is going to happen and what that report is recommending. It is important for racing to know that so we can have a look at what is happening in an open and accountable way.

One of the big issues for racing at the moment is the issue of the merger between UNiTAB and New South Wales TAB. We supported the bill in this parliament which would have allowed the company to have grown to a size where it would have increased its pool. It is only the increasing of the pool which provides for the continued growth that can provide extra product back to Product Co. If the move by TABCorp in Victoria to take over New South Wales TAB is successful, and the New South Wales government has already moved to allow that—they have passed legislation in the parliament—that will put us at a serious disadvantage in Queensland and cut off our options for growth.

The merger of UNiTAB and New South Wales TAB would make the company big enough to be able to do other things—to be able to grow the business, to be able to make other acquisitions. They would always be growing, so the pool and the returns that come to the industry via Product Co. and back to the three separate codes can continue to grow. That is important. This government has to do everything that it can to ensure that we do not see the demise of the private TAB company in Queensland.

UNiTAB has been exceptionally well run in Queensland by Dick McIlwain. If this merger occurs—and I said this when we debated it in parliament—although we are keeping the corporate headquarters here, the CEO will be living in Sydney and have a house on the Gold Coast which he will pop up to for the odd meeting that will be held in Brisbane. However, the real jobs will be in the wagering section and that wagering section will be based in Sydney. Queensland, of course, will lose out. We will lose out even more if the merger does not occur and TABCorp takes over New South Wales TAB.

It is essential that we see every effort made by this government, despite the fact that they are private companies going about their private business. There are always ways and means by which the government can influence an outcome or help and support a particular outcome. We have seen it in major industrial organisations and projects. This is a major operation providing the

gambling or the wagering for the third biggest industry in this state. It is very important that we have it.

The issues I would like the minister to speak on in her summing up are the issue of Rocklea having lost its 4.9 per cent on-course return—the Harness Racing Board taking that when it rightfully belongs to the Metropolitan Harness Racing Club; the issue of the report and what is going to be the future administration, control and structure of the governing body of thoroughbred racing in Queensland; and what support the government can provide to the TAB.

Finally, I say to all of those people involved in the racing industry: the Beattie government must be thrown out at the next election. If a change of government occurs in three years time—if we do not win the next election—it is too late. It is too late for country racing. It will never get those 193 race meetings back. It is too late for the harness racing industry.

Government members interjected.

Mr HORAN: The member for Stafford could not care less. The member for Mansfield is on the border of the harness racing area at Rocklea, yet he could not care less about the battlers. He could not care less that it is one of the most popular Saturday afternoon clubs where people go in a relaxed mood to have a bet.

Mr REEVES: I rise to a point of order. I find the comments by the member for Toowoomba South offensive and untrue, and I ask for them to be withdrawn.

Madam DEPUTY SPEAKER (Ms Jarratt): Order! There is no point of order.

Mr HORAN: That was just a needless interjection by someone who feels guilty, as do all the others over there, for the way they have walked away from the Rocklea Harness Racing Club. That is typical of this government with its arrogance and the numbers it has in this place. With 66 seats it does not care, but the people of Queensland are waking up to the fact that that arrogance is no good for government in Queensland because it means that clubs like Rocklea and Toowoomba and the 193 country race meetings have closed down. Members of the Labor Party could not care less about those clubs. I say to people: vote them out this time. If they do not, it will be too late.

Time expired.

Mr CUMMINS (Kawana—ALP) (2.51 p.m.): I rise to speak on the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill, which affects 15 acts. The vast majority of the amendments are consequential in nature, and I will comment on the bill insofar as it amends the Racing Act 2002 to allow a member of a race club committee to be a member of an appeal committee. This will allow those persons to have the necessary skills and experience to be a member of an appeal committee. The previous speaker said what a terrible job we are doing with the racing industry. Obviously he is in the minority. I want to read to the House a letter that I received. It states—

In my 35 years as a trainer in Queensland I have never felt more contempt or dismay for some of my colleagues than I do right now.

It has reached the stage where I can no longer sit back and watch the damage that they are doing. I have to express my concerns to you and advise that I plan to go public on the issue.

...

It is my opinion and that of many other trainers and owners, that the new Board of Queensland Racing, under the leadership of Mr Bob Bentley, is heading in the right direction.

Unfortunately, there are individuals and groups within racing that only want to derail the process.

...

If we don't rationalise the number of race clubs and race meetings in Queensland the industry will struggle to survive.

...

What hope have we got of convincing the Government that we are a cohesive, united industry, that deserves to be listened to, when this will do nothing more than reflect just how divided our industry is?

I make this plea to the Government, the Premier, the Racing Minister, the Board of Queensland and all of those who follow this great sport of ours—don't be misguided by the ranting and raving of a few, many of whom have jumped at the chance to push political agendas.

That probably sums up the contribution of the previous speaker.

Mr Horan interjected.

Mr CUMMINS: I regularly go to the Sunshine Coast Turf Club, and those people are very proud of one of the best turf clubs in Queensland.

Mr Reeves: It's terrific.

Mr CUMMINS: It is terrific; I take the member's interjection. I would invite all members and Queenslanders when they visit the Sunshine Coast to come to Caloundra, the home of the Sunshine Coast Turf Club—Corbould Park.

Mr Lawlor: The second best provincial track in Queensland.

Mr CUMMINS: It is the best provincial track. I take that interjection from the member for Southport.

Mr Lawlor: Second best.

Mr CUMMINS: I acknowledge his interest in the second best facility on the Gold Coast. The Sunshine Coast Turf Club under Les Geeves and his good wife, Daphne, and Mick Sullivan, who is a great general manager and CEO, has a marvellous board. I think Donny Jackson has retired to Pelican Waters. Other board members are Don Moffatt and Neil Mansell, the deputy chairman. It has great direction and great support from the local community. It also has great support from the Caloundra City Council. I think that the Maroochy and Noosa councils should be a little more regional in their thinking and realise that this facility is for the whole of the Sunshine Coast.

The Caloundra council is still negotiating with the turf club regarding the buy-out of the actual turf club. Prior to the March 2004 elections I encourage the council to realise that this is a community facility. It does not need to be in the ownership of the Caloundra council. The council should be like Toowoomba, Bundamba and Ipswich and sign over the turf club for a minimal amount, a token amount—peppercorn as it is often said—because this facility is best in the hands of the turf club. It can be locked away under local government planning legislation that it will be nothing else ever but a turf club, a racing track. The Caloundra council should also seriously consider rezoning land around the area to make it more trainer friendly and more horseracing friendly to encompass a true regional employment opportunity.

Racing and tourism on the Sunshine Coast are major employers and are very popular industries, realising that business tourism is a very high yielding market niche. It continues to show strong growth in Queensland under this minister and under our government. Business tourism is a very important market to continue to cultivate as we chase conferences and similar events. While I was on the board of Tourism Sunshine Coast we successfully pushed to be included with five other convention bureaus at the time—the Gold Coast, Brisbane, Whitsunday, Townsville and tropical north Queensland. The Sunshine Coast became the sixth to come on board and operate as part of a regional tourism organisation attracting the business tourism and convention market. Our focus then and still is—or should be—on marketing these areas to companies, professional conference organisers and incentive organisers to encourage them to hold events in our regions.

For the past few years the Queensland government has provided millions of dollars each year for the bureau for marketing activities which has been matched by industry investment. I commend the minister for being very supportive of Tourism Sunshine Coast, because it has had some issues over a period of time. We have to realise that Queensland has a network of regional tourism organisations that is recognised as the best tourism network in Australia. The new Tourism Sunshine Coast board and general manager are charged with rebuilding the organisation. Arrangements have been supported by representatives from the levy boards of Caloundra City Council, Maroochy shire and Noosa shire, local tourist organisations and mayors and CEOs from Cooloola and the councils I mentioned previously. The chairman and CEO of Tourism Queensland also lend their support to this rebuilding process.

I hope that Tourism Queensland will continue to work closely with Tourism Sunshine Coast through this rebuilding process. Tourism Queensland also provides financial support to Tourism Sunshine Coast as a recognised regional tourist organisation. That is what a lot of people have to realise—that is, this government is committed to funding RTOs. In 2002-03 this took the form of \$220,785 in RTO grant funding and \$306,476 in convention and incentive bureau funding.

That money ensures that young people, whether they be at the Mooloolaba strip, Noosa, the hinterland, Caloundra or Buderim, are working in a very clean industry where there are always bigger and better prospects. As part of the review process, Tourism Sunshine Coast is seeking long-term financial support from the Sunshine Coast councils of Maroochy, Caloundra and Noosa, which now charge a tourism levy on local businesses. I believe support is also being sought from the Cooloola shire. Mick Venardos was a director of TSC when I was there. He was very supportive. His is another area that has problems with unemployment. Cooloola and Gympie are beautiful areas to travel, as is much of Queensland.

In all seriousness, the importance of drive tourism to Queenslanders should never be understated. Councillors on the Sunshine Coast have realised the importance of tourism and the need for certainty in funding, marketing and product development through the introduction of these tourism levies. This has been very controversial. I remember the minister visiting the Sunshine Coast a few years ago and saying that it was extremely controversial on the Gold Coast. The levy is in now. I hope they are getting the runs on the board. I hope the businesses realise that they will make more money.

It is crucial that councils on the Sunshine Coast support Tourism Sunshine Coast, otherwise they will be seen to be undermining the outcomes that are able to be achieved by a proven, effective and cooperative approach to marketing and promotion. Overall growth of the Sunshine Coast's tourism industry can be achieved only through a cooperative effort between all tourism partners.

While I was on the board of TSC I had a very regional focus, much to the detriment of many of my critics who said that I was not parochial enough. I can remember many people on the Sunshine Coast saying that parochialism is good; when it gets to tribalism or cannibalism, it is being a bit silly. We have to talk as a region. Industry unity on the Sunshine Coast is critical for the tourism industry to meet its full potential, both now and into the future. Any reduction in support for the RTO, or regional tourism organisation, structure will only harm the Sunshine Coast. If the tourism industry on the Sunshine Coast is harmed, job opportunities are harmed and business is harmed. It is only through a cohesive approach to tourism that the coast will be able to maintain its position as a key player in the tourism industry.

I cannot stress enough how important it is for the TSC, local councils and operators to work cooperatively, both with each other and Tourism Queensland. I encourage all tourism groups on the Sunshine Coast to work cooperatively to achieve the best results for local industry and to continue to create jobs and make Queenslanders more prosperous.

I wish to touch briefly on the drive tourism market. Close to 10 million domestic visitors took a drive holiday in Queensland over the past year. Research shows that Queensland hosted about 19 per cent of the almost 50 million visitors who took a drive holiday in Australia. Drive holidays are back in vogue, and Tourism Queensland and the Queensland tourism industry are working hard to continue to woo this important market.

Queensland enjoyed the longest average length of stay, at four nights, just behind the Northern Territory, and short-break drive holidays, one to three nights, is the fastest-growing drive market segment in Queensland. I encourage all regions to not lose sight of this. People are tending to travel more in their own state and see what a great state and beautiful areas we have.

In summary, I believe these amendments in the bill will adjust operational difficulties that have been identified since the acts commenced operation. This bill strengthens consumer protection, as the amendments not only provide more certainty in the interpretation of sections but also provide additional requirements where required to uphold the purpose of the legislation. I commend the minister and her staff for being very competent and always very eager to assist whenever I have had issues on the Sunshine Coast, whether they concern the Office of Fair Trading, the racing industry or tourism. I offer my support to the bill before the House.

Ms BOYLE (Cairns—ALP) (3.04 p.m.): I am pleased also to support the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. There are many amendments, most of them relatively minor, within the bill. There are several in particular that I would like to draw attention to.

With regard to the amendments to the classification legislation, I commend the minister on her prompt response in amending the classification legislation in the light of the High Court case of *R. v. Hughes*. The case cast doubt on the validity of a power conferred by state legislation on a Commonwealth officer unless the state had an identical power. Although only technical, the amendments are vital in order to secure the legal status of existing arrangements for censorship classification. A similar situation applies with respect to the amendment to Cooperative Schemes (Administrative Actions) Act 2001.

I wish also to draw attention to the amendment of the Partnership Act 1891. The Partnership Act 1891 is amended to include a presumption against liability. Recently, claims have been brought against partnerships arising from a partner in the firm acting as a director of a corporation. In those proceedings, arguments have been put that the act exposes co-partners to liability for the acts of a partner, even though those acts are committed by the partner in his or her capacity as a director of a corporation rather than in his or her capacity as an adviser. Therefore, a presumption against liability has been inserted. This would have the effect of excluding

partnerships from legal liability as a result of the activities of one partner acting as a director of a corporation outside of the ordinary course of business of the partnership. Four Australian jurisdictions have made similar amendments to their legislation and another jurisdiction is in the process of doing so.

I support the other amendments in the act but would like to take a couple of minutes to talk in general about the importance of the actions taken not only within this legislation but also in other legislation and through other action by the minister in her role in the Tourism portfolio.

I had the opportunity to inform honourable members on Tuesday of this week of the tremendous support there has been for the tourism industry in Cairns and tropical north Queensland in general as well as around the state of Queensland. I was making the point that our support is directly through moneys for promotion to lure visitors, whether domestic or international, to our tourism destinations around Queensland. But our government's response is much more than that. It extends across all other portfolios in terms of the sorts of infrastructure that they provide, the services, the standards of services that they provide and the suitability of those services for tourists.

The member for Kawana, whose speech preceded mine, made a number of references to drive tourism. Drive tourism can only be successful if we continue to have a Minister for Transport and Minister for Main Roads as we have now who ensures that the road network is improved all the time right across Queensland and even into areas that may be difficult to access but that are nonetheless attractive to tourists.

Yesterday I was sorry to miss in Cairns the celebration of the 50th birthday of the *Sunlander*. Rail tourism is important as well. All of the other portfolios in this government can more than legitimately claim some contribution to tourism in our state. However, I wish to mention in particular the initiative of the Minister for Tourism with respect to the tourism services legislation. That was a difficult issue that no other state has yet faced and about which there was considerable concern within the industry as well as high demands from tourists and those of us who support people being treated well when visiting our country. That legislation took some time to develop but it was well consulted, well considered and I have no doubt it will be substantially successful in its objectives.

The other initiative on which I would particularly like to compliment the minister is the Growing Tourism strategy. This aims to, first and foremost, grow tourism but not just in tropical north Queensland, on the Gold Coast or the Sunshine Coast which, as we already know, are tourism destinations of some national and even international fame. The minister has attended to growing tourism around the state of Queensland—small tourism, regional tourism as well as our major international destinations. Through the Growing Tourism Strategy she has taken a whole-of-government approach and recognised that actions in other portfolios can have considerable impacts on tourism.

I look forward to working with the Minister for Tourism in the next term of the Beattie government on expanding this Growing Tourism strategy to ensure that that whole-of-government approach is really working well. I hope that in the next term of government—if the people should give us that term—the Growing Tourism strategy can have a chance to provide a more detailed blueprint not only for the tropical north but for all of the regions of Queensland as well as an account to the people of Queensland for all the actions that we are taking in the name of extending and supporting the tourism industry right across government.

I know from tourism operators in Cairns that from time to time they think that growing tourism is only about governments providing marketing and promotion moneys. While of course we provide much in the way of those funds, particularly through Tourism Queensland, there is more than that to be done. I noticed this morning in the papers that there is news that the industry is beginning to divide up the federal government's \$235 million. We must realise that it is not really going to have much impact when it is broken down over four and a half years and when we consider the costs of promotions in markets such as the American, Japanese or European markets. Then the dollars do not seem so huge at all.

In talking about the importance of funding to promote the industry, I give recognition to the industry contributing as well. I am pleased to say that the bigger end of the industry in Cairns and around the far north does more than make its contribution through our regional tourism body. Unfortunately, it appears that some of the smaller operators are not willing to make their own contribution towards marketing their business. I encourage those who have not joined the bodies and made their contributions through TTNQ to consider doing so. It is in their own interests. I have

to admit, too, that some residents of an area like Cairns do not recognise just how important the industry is to them and their families, to jobs and to other businesses. While those businesses may not be directly tourism businesses, they are nonetheless beneficiaries by virtue of the very numbers of visitors brought to the regions and therefore the demands on their own customer base.

Somebody said that this will probably be the last sitting week of this term of government. Whether it is or not remains to be seen. In case it is, I would like to place on record my admiration for the Minister for Tourism and Racing and Minister for Fair Trading. It is sometimes said that the women get the hard jobs in life. In our government I have to say that that has been so. Minister Wendy Edmond has done a magnificent job in what in my view is the hardest portfolio of all, the Health portfolio. What a collection of portfolios Minister Judy Spence has. I do not imagine many of us—blokes or sheilas—will be putting our hand up to have a go at that load of portfolios. The same goes for Minister Merri Rose.

Tourism is very glamorous on the surface, but it is hard work behind the scenes. The demands and expectations of the industry are tremendous. The efforts of orienting the industry and not just looking after the already successful destinations but all of Queensland and of widening the portfolio has been considerable and steady across this last term of government. In Liquor Licensing, Fair Trading and Racing there have been hard decisions to be made. I see that in all of those areas of the state government service provision we are a long way ahead of where we were three years ago. I give my compliments to the minister, all of her staff and departmental staff who have assisted her in that enterprise. I am pleased to support the bill before the House.

Ms KEECH (Albert—ALP) (3.14 p.m.): Rarely have I so eagerly looked forward to a bill being debated in the House as I do today in rising to speak to the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2003. In particular, it is the amendments to the bill to be moved in committee by Minister Merri Rose which particularly excite me and to which I will confine my contributions. I know many honourable members, particularly those on the backbenches, would be asking why this is such a red letter day for one particular family in the electorate of Albert.

As we all know, the decision to purchase a new car is a big step in the life of any family. Whether it is a new or used vehicle, once the decision has been made and finances approved, taking home the new car and enjoying it for work and recreation purposes should be an extremely satisfying experience. This was not so for my constituent Mr Bill Emsley of Yatala. After a lifetime of work, Bill and his wife were excited about purchasing their Toyota Landcruiser, a second-hand vehicle. It was bought in 1998 from a local reputable car company with an accompanying clear title for the vehicle. All necessary additional ownership checks were carried out with no problems of ownership identified.

To Bill's great shock, in September last year detectives from the organised theft squad knocked on his door and seized his much loved vehicle, claiming it had been stolen. This knock on the door started a long, frustrating and expensive journey for Mr and Mrs Emsley. Not only was their vehicle impounded, but the family experienced significant financial loss due to the purchase of additional modifications to the vehicle, including a gas conversion kit, roof racks, driving lights as well as other improvements to the vehicle. Also Mr Emsley had to purchase another vehicle to replace the one that had been impounded whilst waiting for an outcome to his claim for compensation.

Since the vehicle was impounded, I have been working on behalf of the family and with the cooperation of the minister's office in order to gain compensation for these substantial financial losses that Mr Emsley has incurred through no fault of his own. Mr Emsley's claim for compensation through the Property Agents and Motor Dealers Act 2000 was dismissed in June of this year. The reason for the dismissal was due to the fact that by the time the family had been informed that their new vehicle was stolen the time limit allowing for a claim had expired. As I discovered, the current bill does not allow people like Mr Emsley to use the power under section 511 to extend the time for a claim under the repealed Auctioneers and Agents Act even though they had their vehicle confiscated after the Property Agents and Motor Dealers Act 2000 came into force.

The amendments which Minister Merri Rose will move in committee today will mean that the Commercial and Consumer Tribunal will now have the opportunity to rectify the unfair situation faced by my constituent and the constituents of my colleague the member for Kurwongbah, Linda Lavarch. The amendment will give the tribunal discretion to extend the time to make a claim where the claimant purchased a stolen vehicle during the operation of the repealed Auctioneers and Agents Act 1971.

As members of parliament, we have a range of responsibilities and duties, both in this House and in our electorates. Taking up difficult issues on behalf of constituents is always important. It is hard work, but it is also particularly satisfying when the hard work is rewarded by a win for all those concerned. For my constituents the Emsley family, the journey to arrive at this stage has been a real roller-coaster ride. The exhilaration of buying their dream four-wheel drive turned to shock and outrage when they were told that they were the innocent victims of a fraudulent practice in which their vehicle had been stolen in New South Wales, its identity changed and then later resold in Queensland.

The journey led to a meeting at the Springwood community cabinet between Minister Merri Rose and the Emsley family as well as another family living in the electorate of Kurwongbah who were also innocent victims of the scam. At that meeting Minister Merri Rose listened carefully and showed real concern and compassion over the unjust situation faced by the families. At that meeting she made a personal promise to do everything she possibly could to rectify the unfairness faced by the two families. Today what we see in the amendments to be moved in committee is the minister delivering on the promise she made.

For me as a new member, the journey has been a real learning curve. I learnt that when you have a caring and listening minister like Merri Rose who is prepared to go into battle for ordinary Queenslanders, the unjust wrongs suffered by innocent people will be righted. On behalf of the Emsley family I thank the minister for her efforts, for listening to their story and for her actions in bringing the amendments to the House today. I am sure there will be much celebrating in the Emsley home this evening. My sincere thanks go, too, to my colleague the member for Kurwongbah, Linda Lavarch, who offered valuable advice and support to ensure that the unfair and unjust situation faced by our constituents was rectified.

Ms Nelson-Carr: The member for Kurwongbah is a great member.

Ms KEECH: She certainly is. I believe that she should be congratulated as well. In addition I thank the minister's staff, in particular Harold Thornton for his work. I would also like to place on the public record my gratitude to my electorate officer, Ms Fiona Beattie, who has assisted me over this long journey of arranging meetings on behalf of the Emsley family to gain the justice they so richly deserve.

One of my favourite proverbs, from Ethiopia, is 'when spiders unite they can tie down a lion'. I am not sure whether Minister Merri Rose has ever considered herself to be a spider, but in this case all of the little spiders—the minister, her staff, the department and Linda Lavarch—can have every satisfaction in the victory of capturing a mangy lion who has preyed on innocent victims such as my constituents. Congratulations to all.

The amendments to the bill are clear evidence that the Beattie Labor government listens to ordinary Queenslanders and delivers on its promise when it comes to righting wrongs. Honourable members should therefore not be surprised when I state that the bill, and in particular its amendments, have my full support.

Mr REEVES (Mansfield—ALP) (3.21 p.m.): It gives me great pleasure to rise once again in support of a bill introduced by the Minister for Tourism and Racing and Minister for Fair Trading. As I have said previously, the minister is regarded as the consumers' friend. After a tour of schoolies on the Gold Coast last night I can say that she is now also regarded as the schoolies' friend because of her chairpersonship of the task force that put together the plan to run schoolies this week.

I had the great pleasure of going on a tour with the Hotel Chaplaincy group, whose coordinator is Andrew Gourley—Andy—who lives in Mansfield and is heavily involved in the Christian Outreach Church. I also had the pleasure of going on the tour with Shaun Hart, a three-time premiership winning player for the Brisbane Lions. I had much pleasure in touring with those two outstanding gentlemen of our community.

From what I gathered from last night—I arrived at about 8 o'clock and left at about quarter to 1 this morning—this is probably one of the quietest schoolies weeks. This is no doubt due to the great efforts of the minister's planning committee for schoolies week. The young people themselves could not speak more highly of the organisation and the activities on offer for them. More than anything, they were extremely supportive and appreciative of the thousands of volunteers who make their week of activities safe. They felt safe because of the amount of volunteers that were there. The police and the volunteers had a real presence last night. I am sure that was the case on the previous nights and will be the case over the next few nights. This

helps the young people feel safe and know that there is someone just around the corner, just up the road or less than 10 metres away to whom they can go for advice.

I also spoke to Inspector James from the Gold Coast, who has been involved in schoolies week for a number of years. He praised the schoolies not just for their behaviour but also for their attitude. He said that he was most impressed this year about how appreciative schoolies were of the police. It is breaking down some of those barriers that have traditionally been there between young people and police. He was saying that schoolies often came up to the police, congratulating them on the excellent work they were doing and thanking them for making them feel safe.

As I said, I started the tour at about 8 o'clock with the Hotel Chaplaincy group and Andy Gourley. Hotel Chaplaincy Australia is a schoolies support network that was founded in 1997 by Andy. He saw a need to help schoolies feel safe and to support them as they celebrated an important time in their life. Since that time the network has spread to 10 major locations around Australia, with over 1,000 youth workers and volunteers. When I was with Andy he got calls from South Australia and Sydney, from the different groups they have there. The Hotel Chaplaincy network has also been tagged the 'red frog crew', due to their trademark red frog lollies, distributed to many parties attended by these crews. This year it is anticipated that nearly three tonnes of red frogs will be consumed by hungry school leavers.

The Hotel Chaplaincy program has simply been created in response to the growing phenomenon commonly known as schoolies week and all its related issues. This has made a difference to school leavers. One of the program's original functions was to provide support to accommodation managers faced with the huge task of looking after the masses of young people celebrating schoolies and to deal with related youth issues.

Hotels have allowed Hotel Chaplaincy workers to have rooms at reduced cost so that they can be there to sort out problems or just to work with young people and break down any problems that arise. Some of the problems arise out of the fact that for some young people this is the first time in their lives that they have been away from their families, away from their comfort zone. They actually have to deal with the pressures of living with people who are not their family—who are friends but who have different wishes. Sometimes this creates conflicts. The Hotel Chaplaincy group is there to help young people get through these conflicts.

Hotel Chaplaincy offers six main services. The first is visitation. The teams of chaplains visit schoolies in their units or apartments and provide positive role models for them. The second is referrals. Where necessary, chaplains are able to refer schoolies to services that they may require, for example drug and alcohol counselling.

I refer to the Ambulance Service teams. On last night's tour I met Allan Windsor from the Ambulance Service, who gave us a tour of their little tent city. That is a very effective operation. The Ambulance Service also has paramedics who go out with the Hotel Chaplaincy workers. They work as a team when there is a need. They will quickly get in the car and be right there to assist when problems arise. I think it is great how we have the Ambulance Service working with Hotel Chaplaincy to provide an excellent service.

The third service Hotel Chaplaincy provides is mediation. Hotel chaplains are on 24-hour call and may assist hotel managers and staff in their management of patrons over the schoolies period. The fourth area of service relates to training. I think training is the most important part. Prior to schoolies week training was provided for security firms and hotel management to further equip them and to explain the role of hotel chaplains.

The fifth service offered by Hotel Chaplaincy is education. In response to requests from many high schools, Hotel Chaplaincy teams visit high schools prior to schoolies week to talk with year 12 students. The main focus is encouraging them to celebrate safely over the week and to look after each other. Andy told me last night that this occurred in between 30 and 50 schools. When I was with Andy last night people came up to him and said, 'You came to my school and talked to us.' So they knew what to expect. They knew the stories. They knew what could happen to them and what has happened to other schoolies in the past. They heard the stories first-hand from Andy and the Hotel Chaplaincy group prior to arriving on the coast. This broke down some of the barriers and schoolies were able to relate very smoothly with the Hotel Chaplaincy group.

I turn to the sixth service provided: entertainment. The Hotel Chaplaincy group had the HC stage, which I had a look at last night. It is a very interactive stage which had a camera looking at the crowd. The young people there all of a sudden shot up onto the big screen. It was a very popular stage. There were three stages in operation. The infrastructure was really well supported

by the Queensland government. Last year the Hotel Chaplaincy group had to raise \$40,000 through fundraising to be able to provide the stage. This year, with the support of the Queensland government—and I am proud of that support; I congratulate the minister on her role in providing that support—this facility was provided. They did not have to raise \$40,000. Rather, it was used to pay for accommodation, meals, et cetera, for the volunteers.

As I said, I was extremely impressed with the infrastructure and the services that were provided for schoolies but I was most impressed by the schoolies themselves. Their attitude, their openness and their behaviour I think is a credit to themselves, their schools and their parents and their friends. They showed to me that they will be fine citizens of our state, and they should be congratulated.

I particularly want to thank Andy Gourley of the Hotel Chaplaincy group. Last year he was our nomination for Australian of the Year. He is an excellent person. He lives in the Mansfield electorate near the Christian Outreach Church. My congratulations go to him. I also congratulate Shaun Hart from the Brisbane Lions for getting involved in the Hotel Chaplaincy group. It is probably appropriate that I am speaking as one of his biggest supporters is sitting in the chamber advising the minister. I particularly want to thank the member for Cairns and endorse her earlier comments about the minister.

On behalf of the schoolies and the Hotel Chaplaincy group, I want to thank the minister for chairing the schoolies task force. I also want to commend the bill to the House.

Madam DEPUTY SPEAKER (Ms Liddy Clark): Order! Before calling the minister, I would like to welcome to the public gallery the member for Nanango and the South Burnett Catholic College in her electorate. Welcome.

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) (3.30 p.m.), in reply: There has been wide-ranging debate this afternoon on the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill, and for that reason before I address specific issues raised by members I think it is important that I sum up the key points of the bill.

The bill contains a number of largely technical amendments to legislation administered by my department. A number of the amendments will have a significant and positive impact on the operation of the Office of Fair Trading. The Associations Incorporation Act 1981 will be amended to enable the Office of Fair Trading to efficiently vest property after an association has been cancelled. This will minimise the period of high risk and exposure to liability if assets are dealt with improperly. The Classification of Computer Games and Images Act 1995, the Classification of Films Act 1991 and the Classification of Publications Act 1991 will be amended to ensure the integrity of the existing state-Commonwealth classification regime.

The Introduction Agents Act 2001 will provide greater protection for consumers. For example, introduction agents are required to display their licence number on all correspondence and advertising material to those who may be clients or potential clients. Other amendments proposed give licensees longer to renew their licence, clarify when the cooling-off period for agreement ends and provide greater certainty in the interpretation of provisions.

The Property Agents and Motor Dealers Act 2000 will be amended to allow the Office of Fair Trading to accept a greater range of enforceable undertakings from traders who breach the act. Currently the act only allows for a written undertaking that a person will not continue or repeat the act or omission. The amendment will enable more innovative and more effective undertakings such as corrective advertising.

The bill makes pretending to be a police officer a disqualifying offence under the Security Providers Act 1993. Licensees in some areas of the security provider industry wear uniforms which may be mistaken by the public for police uniforms. This measure would act as a deterrent to the possibility of a licensee exploiting any such confusion and abusing an individual's rights or liberties. The bill also provides that an offence relating to the underpayment of award wages be a ground for suspension, cancellation or refusal to renew a security provider's licence. Another ground will be the contravention by a licensed security provider of an order of the Industrial Commission or of the Industrial Magistrates Court to pay wages.

Both the Security Providers Act 1993 and the Travel Agents Act 1998 are amended to provide the option of either one- or three-year licence terms in place of the existing one-year period. This will afford licensees greater flexibility when renewing their licence and will reduce the administrative impact on the Office of Fair Trading's resources.

In summary, the amendments in this bill will adjust operational difficulties that have been identified since acts commenced operation. The bill also strengthens consumer protection as the amendments not only provide more certainty in the interpretation of the legislation but also impose additional requirements where needed to uphold the purpose of the legislation. The amendments are supported by government, industry and community stakeholders.

I will now move to some specific comments and issues that were raised by members. Because the amendment to the Racing Act opened up a whole range of debate on racing, I am going to address that separately. I sincerely thank the member for Callide and all members of the opposition for supporting this legislation. With regard to the Associations Incorporation Act, the member raised a number of significant and serious issues concerning liability insurance. That is not relevant to this bill, but I have taken that on board and do appreciate the seriousness of the public liability issue to small clubs.

The member for Callide asked whether there were any options under consideration to help resolve the insurance issue. The insurance issue is bigger than the Associations Incorporation Act. There is also a review of the Associations Incorporation Act under way at this time, and the government will continue to work on a broader whole-of-government strategy to continue to address those ongoing public liability issues. The member referred to the Partnership Act. Just as a point of clarification, the member said that the amendment to the Partnership Act excludes partners from liability. In fact, it merely changes the presumption. Courts can still determine that a partner is liable if evidence shows this.

The member for Springwood was very pleased at the Security Providers Act amendments, and I would like to acknowledge the role of the Liquor, Hospitality and Miscellaneous Workers Union and the member for Springwood in the genesis of these amendments.

The member for Gladstone raised a number of issues concerning the Racing Act which I will talk about separately. In relation to the classifications act, she raised a concern that a censorship system should be retained. I would like to advise her and all members that the national censorship system will remain and it will be enforced by this government.

The member for Mount Ommaney also acknowledged and approves of the provisions of the Security Providers Act, particularly in regard to the wearing of uniforms. The member for Caloundra raised more issues on insurance and also approves of the enforceable undertakings amendment under PAMDA. She asked what cases are referred to in the second reading speech regarding conflicts of interest. This amendment allows an agent to act where they have a beneficial interest prior to sale—for example, selling a brother's or sister's house. A conflict arises only where an agent obtains a benefit as a result of sale. The Office of Fair Trading has received many complaints from agents and vendors prevented from acting on behalf of family members.

I would like to thank the member for Gaven for his contribution. He referred to the racing industry. The member for Nanango talked about insurance and racing issues. I would like to thank the member for Capalaba for his contribution.

I also want to thank the member for Kurwongbah. The member for Kurwongbah and the member for Albert raised a very important issue which is being addressed in the amendments. I thank them both for their kind remarks. They put their heart and every effort into making sure that when they came and saw me they played a very large role in making sure that these amendments came about. I sincerely thank them and both families who were involved.

Ms Keech: And we thank you, minister.

Ms ROSE: Thank you. I would also like to thank the members for Kawana and Cairns. I would like to thank the member for Cairns for her very kind personal remarks. I really did appreciate it. A lot of her comments are very warmly reciprocated. I think she is a fantastic member of parliament.

Let us move on to racing issues. I should not have been surprised that racing was so prominent in this debate. The member for Callide was actually in the chamber. He was the member opposite who sat as a shadow representative when the racing bill was debated because the opposition spokesman at that time was not even in the House. I have to acknowledge that the member for Callide did have a greater interest in the racing bill than did the member for Warrego. I acknowledged that at the time. I would have to say to the member for Callide that as far as racing is concerned the proof is in the outcome. I am really glad that he raised this because I want to talk to him about it.

For the 12 months ending 31 October 2003, starters at TAB meetings were up by 3.3 per cent. Starters at non-TAB meetings were up by 5.9 per cent. Wagering on the Queensland thoroughbred code for the year ended 31 October was up by 11.2 per cent. Total wagering on all codes was up by 5.8 per cent. The member might not agree with what Queensland Racing has done, but it did need doing and it is working.

The member for Gladstone raised the relocation of the Gladstone Turf Club. She asked whether or not there had been a change in direction of the government's support for the relocation. The government does support the relocation in principle. Queensland Racing and the club need to agree on the details. For example, the land cannot be sold immediately. If it was sold immediately there would not be anywhere for Gladstone to race. It could take about 18 months to build a new track. The current land is government land. We have a responsibility to the people of Queensland to ensure that, whatever action is taken, the public interest is protected. Queensland Racing has been asked to develop a business case and relocation plan in consultation with the club so that all issues are identified and planned to make sure the project runs smoothly.

Turning to the member for Toowoomba South—out of the 93 clauses in this bill, only six relate to racing, and these are minor administrative amendments only. The racing debate has taken place and positive outcomes have been achieved. Why not focus on the issues of PAMDA or travel agents or any of the other acts? The member referred to increased black type racing. Black type racing is allocated by the Australian Racing Board. Once again the member exposes his lack of knowledge. It is the Australian Racing Board, not even Queensland Racing. It is not the Queensland government; it is the Australian Racing Board. The government does support country racing. We have the community racing scheme, something that the opposition never had.

As far as harness racing is concerned, no harness racing club is profitable. The only reason there is harness racing is because of the support of the Harness Racing Board. The arrangements between the club, the board and UNiTAB are commercial arrangements. This year the harness industry will get a record payment for its product. The board is on track to increase harness prize money by \$1.2 million.

As far as the Rocklea tote issue goes, that has nothing to do with privatisation of the TAB. On-course totalisiers at Rocklea are not owned by UNiTAB; they are owned by a New South Wales totaliser company. A quick news flash for the member for Toowoomba South—TAB is now UNiTAB. It is privatised. The Queensland Racing industry has received another record payment under the commercial arrangement.

The opposition racing package is a 'back to the future' package. It is not surprising, seeing that the opposition leader's chief of staff is a former senior executive of the old QPC. The opposition racing spokesman's advice is coming from the former QPC chairman—and we know that for a fact.

Mr Shine: Is that a conflict of interest?

Ms ROSE: Yes, it is a conflict of interest. All three control bodies met the requirement to provide reports to me on future governance models for their codes. They were due to me in early October. They were on time. I am looking at them now. I will be reporting back to cabinet on options before the end of 2004. I do again thank all members for supporting this bill.

I would like to sincerely thank my personal staff of Michael Todd, Harold Thornton and David Smith, and also my departmental people, Wayne Briscoe, Julia Duffy, Shayna Smith, Alexis Hailstones, David Cannavan, Carol Perrett, Marie-Claire Poole, Ilde Antal and Michael Kelly. I commend the bill to the House.

Motion agreed to.

Committee

Hon. M. ROSE (Currumbin—ALP) (Minister for Tourism and Racing and Minister for Fair Trading) in charge of the bill.

Clause 1, as read, agreed to.

Clause 2—

Ms ROSE (3.48 p.m.): I move amendment No. 1—

1 Clause 2

At page 8, after line 9—

insert—

'(4) Part 14A commences or is taken to have commenced on 30 November 2003.'

I table the explanatory notes. The amendments I will be moving in committee are required to make two amendments to the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill. The first amendment is required to include an important amendment to the Property Agents and Motor Dealers Act 2000, which will give the Commercial and Consumer Tribunal, previously the Auctioneers and Agents Committee, the discretion to extend time to make a claim. This is limited to the situation where the claimant is the purchaser of a stolen second-hand vehicle from a motor dealer licensed under the repealed Auctioneers and Agents Act 1971, and where the claimants found out more than three years after its purchase that they did not obtain title.

The government has always advised consumers that among the advantages they gain from purchasing vehicles from a licensed motor dealer is the protection of access to the claim fund in the event that the vehicle they purchase does not have clear title. This amendment allows this protection to extend to the small number of consumers who have purchased vehicles from dealers that are found to have been stolen after expiry of the normal three-year period. In moving this amendment, I again acknowledge the work of the member for Albert and the member for Kurwongbah in bringing their constituents' plight to my attention. I am pleased to be able to respond to their efforts on behalf of their constituents.

Ms KEECH: I have a question for the minister. Before I ask my question, I sincerely thank the minister for bringing these amendments to the committee. On behalf of our very grateful constituents, we are indeed indebted to her energy, activity and compassion in listening to our constituents. Could the minister advise when these amendments will come into operation?

Ms ROSE: I thank the member. They will come into operation upon assent, and that is by next week.

Mrs LAVARCH: I also add to the comments of the member for Albert and thank the minister for being so responsive to the representations made on behalf of the Boyds of Eatons Hill. Mr and Mrs Boyd have asked me to ask the minister two questions in relation to the amendments to PAMDA. The first question is in relation to the fact that they have already made a claim which has been subsequently dismissed because there was no power under the act for their claim to be considered by the tribunal because it was out of time. Do they now have to make a new claim—that is, relodge the claim and all their paperwork? The second question is in relation to the amount of their claim. There are provisions under PAMDA or certain circumstances where there is a statutory cap on the amount of the claim. They ask if it is possible for them to lodge their claim for the full amount of their loss.

Ms ROSE: They do have to actually lodge a new claim and there is a fee payable on that. It is \$51 and that is recoverable if they are successful. Applicants can claim any amount but will of course have to satisfy the tribunal that the loss has been incurred. So they are going to have to actually prove that loss. Depreciation on the vehicle while it was in the possession of the applicant would be a factor.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 72, as read, agreed to.

Insertion of new clause—

Ms ROSE (3.53 p.m.): I move amendment No. 2—

2 After clause 72—

At page 30, after line 9—

insert—

' 72A Insertion of new s 630A

'Chapter 19, part 1, after section 630—

insert—

' 630A Provision for particular stolen motor vehicles

'(1) This section applies to a claim made against the fund in relation to a purchase of a used motor vehicle within the meaning of the repealed Act from a motor dealer licensed under the repealed Act if—

- (a) the person who makes the claim purchased the vehicle before 1 July 2001; and
- (b) the person did not gain clear title to the vehicle when the person purchased it because the vehicle was a stolen vehicle; and

- (c) a police officer seized the vehicle under the *Police Powers and Responsibilities Act 2000* on or after 1 July 2001; and
- (d) the person could not have made a claim against the former fund or the fund within either of the periods mentioned in section 119(5) of the repealed Act because the person did not know the vehicle was a stolen vehicle until after the expiry of the time limit mentioned in section 119(5).

'(2) Section 511 applies to the claim as if it were a claim under this Act.'.

This amendment makes minor technical amendments to the *Second-Hand Dealers and Pawnbrokers Act 2003* to correctly reference a section number and insert a part number in the relevant part heading.

Amendment agreed to.

Clauses 73 to 80, as read, agreed to.

Insertion of new clause—

Ms ROSE (3.54 p.m.): I move amendment No. 3—

3 After clause 80—

At page 32, after line 9—

insert—

'PART 14A—AMENDMENT OF SECOND-HAND DEALERS AND PAWNBROKERS ACT 2003

' 80A Act amended in pt 14A

'This part amends the *Second-hand Dealers and Pawnbrokers Act 2003*.

' 80B Amendment of s 140 (Amendment of s 5 of Act No. 72 of 1982)

'Section 140(2), 'section 88'—

omit, insert—

'section 89'.

' 80C Amendment of s 149 (Replacement of pt 4, hdg of Act No. 72 of 1982)

'Section 149, before 'EXISTING'—

insert—

'PART 4—'.

Amendment agreed to.

Clauses 81 to 93, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Ms Rose, by leave, read a third time.

ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL ENVIRONMENTAL LEGISLATION AMENDMENT BILL

Second Reading (Cognate Debate)

Resumed from 28 October (see p. 4333).

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (3.55 p.m.): At the outset I indicate that the opposition broadly supports both the Environmental Protection Legislation Amendment Bill and the Environmental Legislation Amendment Bill. However, there is one element of concern and probable opposition which we do have, and that relates to the third-party declaratory provisions in the Environmental Legislation Amendment Bill. I will go through some of those issues during the course of the debate.

The Environmental Legislation Amendment Bill amends the Nature Conservation Act 1992 to provide the opportunity for third parties to seek declarations and enforcement orders to allow earlier intervention actions to conserve nature. What does this mean? The provisions will enable a third party to seek a court declaration or a court order to enforce nominated conservation offences. This proposal reflects current practice in the Environmental Protection Act 1994, the Coastal Protection and Management Act 1995, the Integrated Planning Act 1997 and the Water Act 2000.

The court order amendments apparently aim to allow early intervention to conserve nature, as remedies under the current act are largely confined to prosecutions and penalties but do not necessarily protect endangered species or the destruction of habitat. The declaration amendment is claimed to allow people with legitimate interests to go to the courts to seek a declaration on a proposed conduct—an example was given by the minister in his second reading speech of ecotours—to ensure that they will not contravene the act. It was hoped, as I understand it, through this intention that this security and surety would encourage greater industry investment.

The Environmental Legislation Amendment Bill aims to reinforce the importance of protecting public safety, particularly in relation to children regarding dangerous animals in parks and recreation areas. This amendment addresses concerns following the risks posed by dingoes on Fraser Island and crocodiles in north Queensland. The amendments confirm the power to act for children's safety in all protected areas and recreation areas with regard to any dangerous animal.

Also, there is an extension of the territorial application of the act to allow uniform regulation. This will provide protection of wildlife in areas adjoining Queensland's jurisdiction and waters off the Queensland coast and will ensure that the act has sufficient power to protect wildlife—for example, Migaloo the white whale. The terms 'national park' and 'conservation park' are to be lawfully used in marine park zones. The current use of the terms is restricted under the act in order to prevent misrepresentation of the status of property. The amendments modify this restriction in order to allow zones in marine parks to use these terms.

Mr Nuttall interjected.

Mr SPRINGBORG: I was just trying to be a man after the minister's own heart. I will get wound up later on when speaking to some of the clauses. I say to the Minister for Industrial Relations that we are coming to the end of the year. We all get wound up in this place in question time. That is the important time to get wound up. Then we get into the real hard grind after that.

Mr Shine interjected.

Mr SPRINGBORG: That is exactly right; if the member wants to see some more of that, I am happy to oblige.

The amended provisions will allow the creation of national park zones within a marine park in order to clearly signify that the level of protection in that zone is equivalent to that in a national park. The act provides a capacity to authorise uses of national parks that are contrary to the relevant management principles provided they meet strict criteria. The original intent of this provision was to enable authorisation of facilities that were required for an essential public purpose. The amendment clarifies the scope of the permitted use to which the section applies and reflects the original intent that such uses are restricted to facilities that are required for an essential public purpose. These are mainly in the areas of communication, safety, water and energy supply. This particular amendment needs to be explained to the House so as to ascertain that it does not provide for the cancellation of grazing leases outright throughout the state. I would like to seek that assurance from the minister during the course of his summary.

It is envisaged that the amendment will also amend the National Environment Protection Council (Queensland) Act 1994 to mirror the Commonwealth amendments resulting from the review conducted by the National Environment Protection Council. With respect to marine parks using the term 'national park', it will be very interesting to see how this will be applied to the Moreton Bay Marine Park in light of the proposal for an intensive fish farm in that area. Intensive industries are generally considered to be incompatible with national parks. I would like to hear an explanation from the minister about that during his summary.

The Environmental Protection Legislation Amendment Bill is, as we understand it, about improving the integration of the Environmental Protection Act 1994 and the Integrated Planning Act for all environmentally relevant authorities other than for mining or petroleum activities. It will also refine the assessment arrangements associated with development proposals that involve the management of contaminated land.

Over the past few months in this place we have heard the member for Toowoomba South raising issues concerning the reclassification and rezoning of land in Toowoomba. Former mayor Clive Berghofer bought land with approvals to do certain things, and the Environmental Protection Agency, as I understand it, has reclassified that land to a soil type that is hardly considered to exist in that area. I have some concerns based on what the honourable member has told me about that case. I understand that the honourable member for Toowoomba South might be making some further comments about that. There is no doubt that we need to move towards

ensuring a greater degree of flexibility, commonsense and expedience in the way the Integrated Planning Act works. Any procedure or complementary legislation that aims to ensure that the integrated planning process in this state works in a timely and cooperative way and provides outcomes against a certain set of principles is to be welcomed. I refer to the principles contained in the act relating to integrated development assessment. These were supposed to be about collapsing time frames so that anyone who made an application under the Integrated Planning Act could do so with a certain amount of surety and knew clearly what they were and were not able to do. Many people have the view, me included, that the Integrated Planning Act as introduced has not necessarily lived up to its original intent or expectation.

Mr Lawlor interjected.

Mr SPRINGBORG: There is no doubt about it. It is predicated also on legislation that the previous Local Government Minister, Terry Mackenroth, introduced into the parliament but which fell off the list when the parliament was prorogued. The principle behind that is fantastic. None of us is arguing about that. A previous government aimed to achieve that principle in the original drafting from 1994 to 1996. We also aimed to achieve that principle. We all espoused support for that in this place. There is no doubt about that. Amendments have been put forward in the parliament that aim to achieve that objective.

An element of frustration exists about how those condensed and clear time frames are being exceeded. Twenty days is turning into 20 months. Many of the constituents of the honourable member for Southport feel the same degree of frustration. This is an example of how legislation that we passed through this parliament with very good intent has fallen down because of the way it was being implemented beyond the parliament. We have to ensure that the intent of the parliament and of all the stakeholders involved in that process is taken forward and that it actually comes into being, even though it might be some years after the bill was passed. If this in some way enhances that, that would be very good. I hope it does.

People are concerned about overbureaucratisation. They are concerned that concurrence agencies, referral agencies and all of those with their fingers in this process can find a way to use the law to stifle things and hold them up rather than to enunciate a way through the approval process, which can be unbelievably frustrating for a whole range of people, not just major developers. There is a lot of money involved in this. People just want certainty and clarity. If they cannot do something because it is against the principles enunciated in the act, that is fair enough. But at least let them know. The government should not fiddle around for months or even years. If something can be done, that needs to be implemented.

I will return to our only real point of concern, and that is the issue of third-party declarations. Although the minister has said in his second reading speech that this just aims to reflect what happens in other pieces of legislation—and I accept that to some extent—it also has a much broader application because of the things that the Nature Conservation Act regulates and guides insofar as government decisions are concerned.

In relation to damage mitigation permits, I acknowledge the assistance the minister has given me previously in respect of the department issuing permits for reductions in crop damage from birds, kangaroos, or macropods, as they are called. The process did become turgid for some period, and I acknowledge that the minister has done much to address that. I thank him for responding to the concerns that I have raised. We saw what happened with respect to the flying fox issue in north Queensland. As I understand it, the mitigation permits were granted under state legislation. However, somebody became concerned, and the third-party provisions under the Commonwealth biodiversity act were implemented or were being sought. On the one hand, a legitimate process of law laid down by the state was being followed. That person sought to protect his crops and legitimately obtained a permit to do that, and then this other issue surfaced.

I am saying that this particular third-party declaratory provision has the same capacity to cause those sorts of issues to become more of a problem with regards to the Nature Conservation Act and the more general issuing of things such as damage mitigation permits. It may have other issues as well. I do not know—of course we are playing hypotheticals here—how many people may or may not use it. Now is the time to raise this in the parliament. I am sufficiently concerned at this stage to be motivated towards opposition to that clause when it comes to being debated in committee during the course of the evening or possibly tomorrow, depending on how long this matter is before the House.

I would like to refer now to some of the correspondence which I have received in the last few days. Even though I have had these concerns for a period, it is fair to say that those industry groups that have the most concerns have only started to raise these issues in the last few days in a forthright way. I know that the honourable member for Hinchinbrook has been pursuing this with me for some weeks. If we look at the Queensland Fruit and Vegetable Growers Association and the Queensland Farming Federation we see that they have started to really get active on this matter in the last week or so as more and more people have become aware of its potential implication.

Mr Rowell interjected.

Mr SPRINGBORG: That is what I was coming to, and that is the issue of lack of consultation. On the one hand Mark Panitz has raised the issue of the lack of consultation with the farming community and how potentially this issue might affect the capacity of farmers and graziers to be able to legitimately exercise what has been granted to them by way of damage mitigation permits. The Queensland Fruit and Vegetable Growers Association have written to their members stating—

Queensland Fruit and Vegetable Growers is the peak body representing the interests of Queensland's 3500 fruit and vegetable growers.

QFVG has become aware of a Bill that has been introduced to the Queensland Parliament that would amend the Nature Conservation Act (Qld) 1992 to provide for third-party intervention.

This was a letter that they circulated on 21 November. I have only just started to receive the concerns in my area through my office over the past few days, keeping in mind that I represent a significant part of Queensland's southern inland fruit and vegetable growing area. The letter goes on—

QFVG is extremely concerned about the proposed introduction of third-party provisions into this Act. We are seeking your support—

that is, of their members—

to have this Bill deferred until affected stakeholders have been consulted and the full legal and practical implications of the proposed changes have been properly considered by government, industry and the community. If this is not possible, QFVG seeks at a minimum that the third-party provision components be decoupled and removed from the Bill until the serious issues they raise can be resolved.

As we see from what the QFVG have said here, they have not received any consultation. This is a concern because of the issues which occurred in the flying fox case in north Queensland last year and how a significant further extension of this principle into the Nature Conservation Act may impact upon the capacity of fruit and vegetable growers to protect their crops. Consultation at a very minimum should have been something which happened regarding this particular bill. I would ask the minister during the course of his summary to indicate what, if any, consultation has occurred. Quite clearly, from the QFF and the QFVG, it has not occurred.

We can see also from what they are saying that they are not completely intransigent on this issue. All they are saying is that they have only just properly become aware of it and are starting to analyse it. They are saying that, until its full legal implications have been considered, the bill should be deferred or this part of it should be decoupled. They are not saying that it may not be possible to come back and do it, but they are concerned about the lack of consultation and its practical application. I think they are really genuine concerns. Further, the QFVG states—

The proposed changes to the legislation would provide extremely generous judicial standing to an individual or group to seek a declaration or enforcement order from the Planning and Environment Court regarding matters related to the Nature Conservation Act (Qld) 1992.

The implications of these proposed changes that are of concern to the fruit and vegetable industry are:

Fruit or vegetable growers who access damage mitigation permits (DMPs) to manage the impacts of wildlife in their crops would be open to frivolous and vexatious court action by third parties.

The Queensland Parks and Wildlife Service will be seriously exposed to third parties seeking judicial review and declarations regarding its administration of the Act, including conservation plans and issuing authorities, licences or permits.

The provisions could lead to legal complications that would make the legislation unworkable.

QFVG believes that, should these amendments be introduced, conservation interests would immediately access the third-party provisions to mount a legal challenge against the Queensland Parks and Wildlife Service for their issuing of DMPs to fruit growers to manage the impacts of flying foxes in fruit crops.

Given the broad nature of the guidelines provided for issuing DMPs under the Nature Conservation Regulation (Qld) 1994—

and they mention the attachment—

it can be expected that the legal debate would be long and complex. QFVG believes that there is a high risk that Queensland Parks and Wildlife Service would not be able to successfully argue its case and, accordingly, the fruit and vegetable industry would lose access to DMPs.

Under this scenario, the implications for the fruit industry are serious. Should growers not be able to access DMPs as a component of an integrated approach to the protection of their crop, it can be expected that production levels may drop dramatically and many growers would exit the industry. The flow-on implications for regional employment and export markets are significant.

The fruit and vegetable industry is a major stakeholder in this issue, yet the Environmental Protection Agency has not conducted any consultation with the industry during the drafting of the amendments. QFVG believes that this lack of consultation is unacceptable and indicates an extremely poor process for legislative preparation.

QFVG is particularly concerned that the introduction of third-party provisions into the Nature Conservation Act could be considered by the Environmental Protection Agency to be a "minor technical issue". These are clearly major shifts in government policy and, accordingly, QFVG expects that this Bill be deferred for further review and consultation.

We seek your urgent assistance in this matter and your commitment to defer this Bill or, at the very least, defer the aspects relating to the extension of standing provisions in the Nature Conservation Act.

Again, the Queensland Fruit and Vegetable Growers Association raises this issue for a genuine reason, and they are concerned. We might not necessarily like it, but damage mitigation is a very necessary part of farming and grazing practice in Queensland. We know that. The minister himself knows this and has acted quite responsibly in trying to address issues that I raised previously. I have dealt with his department myself. I declare an interest. I have previously held damage mitigation permits. It has always been a commonsense process and an understanding process.

However, a lot of people do not understand how it works. A lot of people do not understand, quite frankly, in the emotion of things, why we may need to cull a certain amount of flying foxes, cockatiels, galahs, sulphur-crested cockatoos, wallaroos, redneck wallabies, swamp wallabies or eastern grey kangaroos. They do not necessarily understand. But in a matter of a few nights farmers in a cropping situation—and let us say they are a horticulturist, for example—can have their crop virtually destroyed by flying foxes. If they are a fruit grower they can have their fruit crop virtually destroyed by lorikeets in a matter of a few days because thousands of them can come in out of the hills and they take a pinch out of each fruit. The margins are so fine that farmers cannot afford that sort of loss. If they are employing 10, 15, 20, 30 or even 40 people seasonally and a large number of full-time people to manage their crop, they need to be able to protect it.

People are not expecting that they will go out there and destroy every bird or every kangaroo. They do not want to. That is not what it is about. It is about being able to respond in a certain time. It is about destroying a certain number. That will then possibly have the effect of shifting others. So it is a necessary process, in conjunction with other mitigation practices such as scare guns. We know that they can be a problem from a noise perspective, so using them is not quite as easy as it used to be. Netting can also be effective, but it is not always practical.

With kangaroos, for example, in many cases there is not a very practical way of keeping them out, because they jump over fences and sometimes they are fenced in. We know that with modern farming practices, improved pastures and greater access to water, there is a greater proliferation of kangaroos and wallabies than we have had at probably any other time throughout Australia's history. That is a fact. The minister's own department even concedes the number of kangaroos that are out there. I have seen that myself from a farming point of view.

Our property is on the western side of the dingo barrier fence. There was hardly a wallaby there when I was a child. Now they are everywhere. They quite like it; we do not tend to bother them. But that is what has happened. They have water on tap and with improved pastures it is much easier than when they are just going through the scrub and there are trees competing with grass. There might be one wallaby for 10 or 15 acres in the forest, but there can be quite a lot of them over a much smaller area of land in improved pastures, because improved pastures are just that: the grass grows better and they have access to water.

A large number of kangaroos or wallabies can significantly damage a crop within a short period of time. A lot of people will not understand the practicalities or the reasonableness of the need to protect a crop. The department has practically applied this over a period of time. It is an emotional argument. Out there in the community at large this is a perceptual argument that is very difficult to win. Factually, what the department has done is fine. Factually, damage mitigation is a sensible way to go. It in no way irreversibly harms the numbers of any of these creatures, but perceptually it is very easy to make an emotional argument.

I am concerned that the third-party declaratory provisions contained in the legislation open things up to a range of people who can get on the emotional bandwagon and take action. Then the matter gets tied up in the courts. We know what happens if those sorts of things play out in the media. Then who are the losers? It is those people who need to practically protect their crops. That may not be the intention of the minister—I do not believe that it is—but it is a practical issue and a practical concern that needs to be addressed. At least this part of the legislation should be set aside until such time as there has been proper consultation.

Brianna Casey, the Executive Director of the Queensland Farmers Federation, contacted our office and a lot of other members of parliament on 21 November. A letter from the QFF states—

I understand the Environmental Legislation and Amendment Bill 2003 is to come before Cabinet in the very near future.

That shows how much consultation there has been. It has been through cabinet and has been introduced into the parliament. The bill has been before parliament since at least 7 October. It goes on—

The Bill contains miscellaneous amendments for a number of pieces of environmental legislation, one of which is the Nature Conservation Act 1992.

The proposed amendments include a number of provisions that enable a third party to instigate civil proceedings and seek court declarations and enforcement orders for purposes of conserving nature.

Queensland Farmers' Federation (QFF) and our member bodies (listed at left) have a number of extremely serious concerns regarding the amendments. The QFF family was not consulted in the development of these amendments and I must say I am very disappointed and somewhat amazed that key stakeholders were not given the opportunity to voice their concerns and to discuss with Government the policy implications of extending certain powers of the Act to third parties.

It was only late yesterday that Environmental Protection Agency staff met with the Federation to discuss the amendments. Whilst this was very helpful, with the Bill to come before the Cabinet in the very near future, there remains little time for the policy implications to be addressed and to achieve a positive and workable outcome.

Minister, QFF is not opposed to the introduction of third-party provisions, particularly as many other State natural resource and environmental pieces of legislation have third-party standing. However the Federation believes that the extension of certain powers of Nature Conservation Act 1992 represents a significant policy change in the context of the operation of the Act, and due consideration must be given to the possible use of the powers by third parties. Without adequate discussion of these policy implications, QFF argues a workable outcome will not be achieved.

For the benefit of members who are unaware of the make-up of the QFF—Mr Deputy Speaker Mickel, I know that because of your interest in matters agricultural and beyond you would understand—the QFF is the peak organisation representing farming organisations in Queensland. Agforce and a whole range of others are affiliated with the Queensland Farmers Federation. The letter continues—

To provide an example of a realistic scenario under the proposed third-party amendments, a third party may seek a declaration and enforcement order against a primary producer who has been issued with a damage mitigation permit by the Queensland Parks and Wildlife Service (within EPA) to control wildlife causing a considerable loss of production, (for example flying foxes in lychee crops, native rats in canefields, plague numbers of kangaroos etc), alleging unsustainable or inhumane actions or proposed actions.

Aside from the possibility of vexatious and frivolous claims being brought against primary producers, QFF believes the Environmental Protection Agency/Queensland Parks and Wildlife Service (QPWS) could be exposed to third parties seeking judicial review and declarations regarding the Department's administration of the Act. Proceedings involved in such a scenario outlined above could involve the questioning of the QPWS issuing officer as to whether the permit should have been issued. As such, not only are the primary producers' actions brought into question, but so too the actions of the issuing officer and authority.

It is reasonable to suggest that legal complications could arise through third parties questioning the Department in its provision of licences or permits. Given the somewhat subjective criteria and loose terminology contained within the Nature Conservation Regulation 1994 and used to determine the issuing of damage mitigation permits, substantial interpretation by the Courts would be required if indeed a challenge is mounted by a third party questioning the issuing of a permit. More than likely lengthy and costly proceedings would take place, leaving all other primary producers with similar permits to experience considerable angst and uncertainty whilst the matter is resolved.

In your important discussions on the Bill, I implore you to consider the Federation's concerns raised above and give due consideration to the policy implications of the amendments. This may require de-coupling of the third-party amendments such that the mechanical and procedural amendments contained in the Bill can proceed in a timely fashion. I also remind you that rural industry organisations, as a key stakeholder, were afforded no opportunity to work through these issues in the drafting of the legislation.

Again, the letter states—

I also remind you that rural industry organisations, as a key stakeholder, were afforded no opportunity to work through these issues in the drafting of the legislation.

Whilst QFF has been disappointed by the lack of consultation to date, we are committed to working through the issues with the State Government to address the implications of extending powers of the Act to third parties. I am confident that a positive and workable outcome will be achieved, providing detailed discussions on rural industry's concerns take place.

These are not just minority concerns that are being raised by those in rural industry. It is held by their peak industry organisations that these issues are of significant enough concern to warrant further deliberation and further consideration of these provisions of the bill. They are suggesting the decoupling of them and holding them over until some further time. The minister is probably not going to accept that, but it has been established that there are some genuine concerns with regard to lack of consultation.

Maybe these issues could have been worked through, but when we have both Queensland Fruit and Vegetable Growers and QFF saying that they became aware of this issue basically at the eleventh hour we can be confident that that is the case. So there was not that consultation which was so necessary. Again, let me say that I do not necessarily believe it is the minister's intention to facilitate the concerns that QFVG and QFF are raising, but I believe that could be an unintended consequence of what he is putting forward.

Many environmentalists are highly motivated by what they believe are correct and true principles. They genuinely believe in what they are putting forward, but there can still be the potentiality of frivolous and vexatious declaratory actions being sought by third parties under these provisions which will be facilitated in the Nature Conservation Act. That has particular implications for damage mitigation permits. Taking that aside, there is the whole issue of the emotionalism that could come forward from a debate we may have. We know of the consequences that resulted from action taken under the Commonwealth biodiversity act following the legitimate issuing of a damage mitigation permit necessitated by the actions of flying foxes in north Queensland.

The whole DMP process in Queensland was turned on its head to the extent that it did not work for months in this state. I had people coming forward to me who were applying for damage mitigation permits, and by the time they were processed locally, sent off to the head office and then back to the regional office and then issued the crops had been destroyed. It was weeks if not months. Previously permits were being issued in a matter of days and in some cases a matter of hours and quite responsibly. We saw an unbelievable reaction as the department sought to go into defensive mode against this perceived negative publicity even though it was just doing its job because once again it was an emotional issue.

They said they would simplify the system and make it more accountable but that did not happen. It was made more complicated because of the desire to address this negative publicity which was based more on perception than on fact, but nevertheless it was an issue. We saw this enormous reaction which made the granting of DMPs an extremely difficult and turgid process. I will concede that I spoke to the minister about this, and many of those issues were practically addressed. The minister himself probably thought following the flying fox issue a more hands-on process would be put in place to ensure that these things would not happen in the future, but practically that did not occur. The intent did not necessarily flow from the practical implication through the various departmental processes. It was only after that involvement that it was sorted out.

This whole issue could potentially extend into so many other areas which have not been to date questioned with regards to the issuing of these very legitimate damage mitigation permits. I am very concerned about it. I look forward to the minister's comments and assurances during the debate on the clauses. At this stage I can indicate that we are predisposed towards opposing that clause. We have little choice because of the lack of consultation that we have had regarding this clause and the fact that the key stakeholders have not properly been consulted. They have not properly had their issues, which I believe are legitimate concerns, properly considered. If it were possible to decouple this and set it aside, then we would have no problem in supporting the rest of the bill. The rest of the provisions of both bills before the House are pretty good. But we are left with little choice given the lack of consultation and the fact that there are unresolved issues.

The other point which I would like to hear the minister address in his summary is the potential application for the issue of grazing leases or the renewal of grazing leases in areas where graziers have historically held a lease over state forest areas. Some of those state forest areas are potentially going into different tenure in the future following the RFA process. But there are many people throughout south-east Queensland, in particular, and up through Kilcoy who are most

concerned about the renewal of their grazing leases. It is important that we continue to facilitate that. For these people the grazing of their stock in those areas of Crown land is an essential part of their enterprise.

There is also a major benefit for the state. There is not much demonstrable damage but there is a major benefit for the state, and that is fire mitigation because in many cases the cattle keep the fuel load down in those areas. That is something which I think has gone unconsidered in this whole process of locking up large areas of south-east Queensland. I do not have a problem if the policy position of this government is to transition those areas out of logging. We have some concern about the process which was followed and some of the things that went on, but if there are other alternatives for sawlog access let us work on that. There are certainly issues regarding the impact on graziers and the fire management of those areas. I would like the assurance of the minister that nothing in these bills which we are debating will facilitate in any way further restrictions on the grazing lease access which people have historically had to those areas. I think I have adequately outlined the opposition's concerns.

Mr CHOI (Capalaba—ALP) (4.36 p.m.): I rise to support the Environmental Protection Legislation Amendment Bill 2003. In doing so, I think it is important that we cast our minds back some nine or 10 years ago when the National Environment Protection Council Act was passed by the federal government. That particular piece of legislation had a domino effect on each state and territory of this country. In 1994 each state and territory and the Commonwealth adopted mirror national environment protection council acts to establish the National Environment Protection Council, which comprises ministers representing each of the participating governments.

The National Environment Protection Council is empowered by the legislation to develop and make national environmental protection measures. The object of the National Environment Protection Council legislation is to ensure that all Australians enjoy the benefits of equivalent protection from air, water, soil and noise pollution and that business decisions are not distorted and markets not fermented by variations in major environmental protection measures between participating governments. The legislation provides for the development of national measures that relate to a specific set of environment matters, including ambient air quality, ambient marine, estuarine and fresh water quality, the protection of amenities in relation to noise, general guidelines for the assessment of site contamination, environmental impacts associated with hazardous waste, the re-use and recycling of used materials, and motor vehicle noise and emissions.

The legislation requires that each of these formal measures must comprise one or more of a standard, goal, guideline or protocol. Once a measure has been finalised, it is then formally 'made' by the National Environment Protection Council. A decision to make a measure requires a two-thirds majority of members of the National Environment Protection Council. They are then implemented by the jurisdictions that participate in the council within their own jurisdictional legal frameworks. The National Environment Protection Council recently conducted a review of the operation of its legislation. The review found that it would be beneficial to simplify statutory procedures established by the legislation and to resolve uncertainty and inconsistency with other Commonwealth legislation.

It also recommended five-yearly national reviews of the legislation. State and territory ministers have agreed to amend the legislation to mirror the Commonwealth amendments resulting from the review, which is primarily the reason for this legislation.

The principal change is to add provisions that would allow the National Environment Protection Council to make minor variations to national measures after conducting only one round of public consultation instead of the two rounds currently required. The amendments will improve the process for minor variations which currently places an unnecessary burden on government, government agencies, industry and the public.

During the public consultation process the National Environment Protection Council must make available a statement explaining the reasons for the proposed variation, its nature and effect, and the reasons why the National Environment Protection Council is satisfied that the variation is minor in nature. Correcting typographical errors or removing ambiguities are examples of the type of variations expected to be dealt with and considered as minor variations.

Some earlier amendments to the Commonwealth legislation relating to financial and administrative requirements about the National Environment Protection Council service

corporations were not mirrored in the state and territory legislation at that time. That was because of their minor nature, but they are now included within these amendments.

The bill will provide greater consistency with Commonwealth provisions and reduce unnecessary burden on government, government agencies, industry and the public by simplifying the public consultation process. I commend this bill to the House.

Mr FLYNN (Lockyer—ONP) (4.41 p.m.): Yesterday I drew attention to this state's attitude towards conservation legislation. Members opposite demonstrated what I suspected—that they do not seem to take into account the human cost of intervention as long as it is not in their back yards. Every new encroachment upon private property rights and every new erosion of an individual's rights seems to come cloaked in an innocuous and, by default, sometimes welcome piece of legislation. It is a lot of sugar to help the medicine go down, and this case presents no difference. There is much to commend this cognate bill, particularly the provisions in the protection amendment aimed at streamlining industrial approval processes and the added protection contained in the second piece of legislation.

To my mind there is only one area of serious contention. The honourable members on both sides of the House will be aware of the sincere concerns of the Queensland fruit and vegetables growers. Their endeavours will be frustrated by wildlife activists, who put the rights of fruit bats above the rights of fruit growers. We all share this earth together. Yes, conserve wildlife, but not at the expense of human endeavours to till the land. Farmers feel that third-party provision in the Nature Conservation Act amendments could act as a charter to green workers to endanger their livelihoods. Everything these days seems to work by confrontation. Indeed, the repeated demands for third-party intervention provisions by green groups may well confirm their worst fears. Those fears will most likely be shared by legitimate forestry operations, which inevitably make some impact of some sort upon wildlife habitats.

As we hear in this House, green activists, seemingly not bound by process as we are, are hindering legal timber operations in Victoria by direct intervention. It is possible that these laws might give activists the green light to seek court intervention in legitimate logging operations in Queensland.

The Institute for Public Affairs, not known commonly as a friend of One Nation, has noted that schedules of protected plants and fauna run into hundreds and are classified at different levels of sensitivity. Protected species do not necessarily live in small, concentrated and identifiable communities. They are spread over the whole of the landscape. Furthermore, migratory species may appear only intermittently for short periods, necessarily implying a regular monitoring process. An example of the uncertainties created will be by the preservation of the habitat of a large owl. Its home range might be 80 to 100 hectares with indefinite boundaries. This home range can shift. It is almost a full-time job monitoring the habitats of rare species of this kind. There are very many such species. The list of those protected grows and none are deleted.

A nasty side effect of these laws—and I am referring to the IPA report—is their propensity to create a class of morally superior and/or malicious informers. At worst this proposal could be seen as a familiar slippage into evermore interventionist and prescriptive regimes as previous detailed regulation fails to come up with the goods.

One Nation constantly consults with stakeholders in the search for a fair regime for nature conservation, the fundamental reasons of which we support. We seek diversity in the face of international trends that reduce the range of plants and crops available to us. We seek increased recreation areas for our growing cities.

I do see the merit in early intervention in some cases of threatened wildlife habitats. I recall the case of the destruction of a koala habitat next to the old Cable Ski World on the Gold Coast in 1998, when bulldozers felled 500 trees. Local residents watched in anger and amazement as koalas reportedly scurried for cover. The trees were subsequently cleared legally, but not before the koala colony was reduced and dispersed. That was a clear case where third-party intervention could have forestalled the developers' bulldozers while a new home was found for the wildlife, in this case the koalas. This brings me to the suggestion that we examine some American practises where a healthy balance has apparently been struck between wildlife conservation and property rights. On a purely voluntary basis—I stress voluntary basis—if significant wildlife is at risk, the government may offer realistic compensation, either monetary or by land swap, for residents to relocate. I stress again this must be voluntary.

This is done through a federal bureau of land management. They have a land swap process which should be an eye opener for Queensland's legislators, who have become more accustomed to the big stick policy. The BLM, with a stewardship of more than 264 million acres of land, completes some 60 to 70 land exchanges every year, which is quite significant. On average these exchanges total roughly 150,000 acres of land exchanged every year at a value of about \$50 million. Land exchanges are an important tool to carry out the bureau of land management's land management program. Exchanges allow the BLM to acquire the kind of land which is suited to public ownership, such as habitat for wildlife, including threatened or endangered species, or land containing sensitive areas that are critical to the health of streams, rivers and entire watersheds.

I understand that these land deals have been going on since the 1930s and arguably provide a fair and just system of land preservation. They provide a means of satisfying the government and citizens without wielding the legislative stick. Real estate appraisals are obtained to estimate the market value of lands involved in a proposed land exchange. All parties are extensively canvassed. Ideally the appraisal report is an objective and impartial estimate of what the property would sell for on the open market as of the date of the appraisal report.

I note that under the American system there is no hint of trying to preserve habitats on the cheap by forcing the owner to act as a ranger or a caretaker free of charge and still not be able to use his land as he wants. If the government wants somebody's land that badly, they can buy it or swap it. I believe that the owner has the last word. In the American system there is no compulsion and, seemingly, it works.

In the midst of sensible legislative improvements contained in this bill, this is yet another example of coercion which would be unnecessary under a more enlightened regime. Whilst welcoming most aspects of this bill, I support representation from the Queensland fruit and vegetable growers when they sought to have this bill deferred until affected stakeholders had been consulted and the legal and practical implications had been explored further. There is much to commend this bill, but there are still questions to be asked.

Ms MOLLOY (Noosa—ALP) (4.48 p.m.): I rise to support the Environmental Protection Legislation Amendment Bill 2003. The bill represents this government's commitment to remove the complexity for industry in the way they carry out their business and the processes associated with applying for approvals. The bill improves the consistency, clarity and efficiency of the Environmental Protection Act 1994. Small and medium businesses in particular will benefit from the introduction of a single approvals process.

The contents of the bill were the subject of more than 12 months consultation between the EPA and business stakeholders, including Commerce Queensland and the Australian Industry Group. All stakeholders had indicated support for the proposed amendments.

Environmental approvals are a management tool used to encourage industry to be more environmentally sustainable in their business practices. By consolidating certain approval requirements, the Beattie government will assist industry through reduced application requirements. This will result in lower transaction costs for business. For example, the bill contains amendments to the Integrated Planning Act 1997 to cater for mobile activities undertaken by various industry groups. Many industries such as motor vehicle workshops, waste transport, concrete batching and abrasive blasting have both a fixed and a mobile aspect to their operations. This requires that they hold dual approvals and are subject to dual application processes. By introducing mobile activities into the integrated development assessment system, industries with mobile activities will need to lodge only one application for both the site based and mobile activity.

The improvements in this bill remove the current confusion experienced by industry when endeavouring to obtain environmental approvals. These changes will provide a fairer and consolidated system with a single set of administrative procedures and processes that will apply to all industries. Industry supports this approach as it provides a level playing field for all businesses. A new system of operator registration will reduce the information required to be lodged when businesses commence.

This bill also introduces a system of codes of environmental compliance for standard activities. This will require a business to register with the administering authority and comply with the conditions of the code. The codes system will not apply where an activity is conducted in a sensitive area or close to a residential development site. A site based assessment of these

activities will be conducted through the development approval process. The codes system will also strengthen the relationship between government and industry, fostering an ongoing joint approach to improved environmental protection. As the codes system has been developed with industry input, industry will have ownership of the code. Such ownership will encourage compliance, ensuring the best outcome for the environment and industry. This reform will greatly assist industry, particularly those businesses in my electorate. I commend the bills to the House.

Hon. V. P. LESTER (Keppel—NPA) (4.51 p.m.): I rise to speak on the Environmental Legislation Amendment Bill and the Environmental Protection Legislation Amendment Bill cognate debate. Of particular interest to me are the provisions contained in the Environmental Legislation Amendment Bill which seek to amend the Recreation Areas Management Act 1988. I notice that these provisions seek to address a number of public safety concerns in protected and recreation areas, an issue that I have raised in this House many times. This issue is of particular relevance to Fraser Island, where some 330,000 visitors camp in a known dingo habitat every year.

In response to a question on notice I asked in the House in October 2002, the minister stated that there have been 50 incidents involving dingoes including bites, nips and threatening incidents since 1999. All members of this House are aware of the tragic circumstances involving the death of a young boy whilst holidaying on Fraser Island. It was a tragic, brutal and unnecessary death. I note that this bill seeks to regulate camping in recreation areas by children or by adults accompanying children with the intention of protecting children from injury by wild animals. I believe that every member of this House recognises that the safety of children and parents is of the utmost importance and that the government has a role in ensuring their safety.

However, in saying that, I do have a number of queries which I trust the minister will respond to in his summing-up. I am curious as to why these provisions were not enacted at an earlier stage given that it has been over two years since Clinton Gage lost his life while camping with his family on Fraser Island, or perhaps these provisions are an admission that the government and its dingo management strategy enacted in November 2001 have been ineffectual and feeble and have done little to alleviate the concerns of the public. In discussing the tardiness of the government in addressing public safety concerns, I must query if the government is facing any legal action over the issue or if it has received legal advice regarding its potential for liability. I ask the minister to provide the parliament with that advice in his summing-up.

I am also curious as to how these provisions are going to work in practice and how these laws will be enforced. I would like the minister to provide a more detailed outline of what restrictions mum, dad and the children are likely to face if they go camping. How are rangers going to enforce these provisions and what penalties should visitors expect in the future? What education programs is the department going to engage to inform children and families of their new obligations under the act? As the minister can appreciate, a lot of questions remain unanswered regarding these provisions. However, I am confident that we will receive a very detailed response. I also note that the bill provides for these provisions to be inserted in a by-law. However, I am certain that the minister would not introduce a bill into this House that provides such a measure without being able to inform us of the exact nature of these by-laws. So I look forward to receiving advice on that also. I note that the bill also seeks to extend the territorial application of the Nature Conservation Act and to allow uniform regulation. The example that has been commonly referred to is Migaloo the white whale, but these provisions will continue to have many and varied uses in the future to assist with the protection and conservation of wildlife. I commend the minister on these sensible and incredibly important provisions.

The bill also provides the opportunity for third parties to seek declarations and enforcement orders to allow earlier intervention actions to conserve nature. I acknowledge that similar provisions are currently contained in the Environmental Protection Act 1994, the Coastal Protection and Management Act 1995, the Integrated Planning Act 1997, the Water Act 2000 and a number of pieces of federal legislation. I recognise the merit in providing for such a provision, and I believe that measures which may assist in protecting our environment and improving quality of life should be viewed in a positive light. However, I remain extremely concerned that the Beattie government did not consult widely before introducing these important provisions. I ask the minister how he can fully assure the parliament that the implications of introducing third-party provisions have been fully considered when the department refused all meetings with rural stakeholders until only a couple of days ago. I ask the minister to provide an assurance to this House that the introduction of these provisions will not have an adverse effect

on farmers, particularly those who may rely on damage mitigation permits to defend their crops from wildlife damage.

I will now touch on some of the provisions of the Environmental Protection Legislation Amendment Bill. Firstly, I understand that in contrast to other environmental bills this bill under debate today was subject to an extensive consultation process, and I congratulate the minister for remembering to talk to affected stakeholders at least half of the time. This bill simplifies the assessment and regulatory process for environmentally relevant authorities. Any simplification of red tape is a positive step for Queensland businesspeople, and I welcome the introduction of these simplified processes. I am certain that business will welcome these amendments as a small but useful relief from Beattie's burdensome bureaucracy. I support the changes and commend the bills to the House.

Mr NEIL ROBERTS (Nudgee—ALP) (4.58 p.m.): This bill contains a number of measures to simplify the assessment process for environmental activities and referral arrangements for contaminated land. It also provides a one-stop shop for proponents of environmentally relevant activities whereby they will be able to apply for a development approval and registration certificate at the same time they make an application for other approvals under the integrated development assessment system, or IDAS. The Boondall Wetlands is one of the most valuable environmental reserves in south-east Queensland. Although it does not directly abut the nearby residential suburbs of Boondall and Nudgee, it is located alongside the Gateway Arterial Road, the Boondall Entertainment Centre and the old Nudgee hard fill site.

Recently I found a newspaper clipping, which I table, from the mid-1980s which detailed a proposal for development of the entire area. It was proposed that the area now designated as the Boondall Wetlands would be transformed into a residential and marina development with high-rise unit development and canal estates. It just seems so incredulous that, given the current status of the wetlands as an international Ramsar site, such a proposal was given serious consideration at the time. The wetlands were saved from development by a very active local campaign and, ultimately, a decision of the Brisbane City Council, for which we will be eternally grateful.

I regularly walk through parts of the wetlands with my wife and marvel at the natural fauna and birdlife that is quite prolific at different times of the year. It is important that we continue to take all necessary steps to protect this valuable asset. In that regard, I wrote to the minister earlier this year raising concerns put to me by local residents about some small pockets of mangrove die-back in the vicinity of the Nudgee Waste Transfer Station. To date, a number of agencies have studied the die-back phenomenon, which to be fair is contained to small areas nearby the transfer station. Indeed, the area adjacent to the transfer station also contains substantial areas where mangroves are thriving and new growth is flourishing.

Reports to date seem to indicate that the most probable cause of the die-back is the changing surface water hydrology of the areas surrounding the transfer station. Water hydrology has been significantly affected in the area by the construction of the Gateway Arterial Road and the Kedron Brook Floodway as well as the creation of the landfill site on which the transfer station sits. Whether leachate contamination is contributing to the mangrove die-back is an issue for debate. However, in any event, it needs to be properly monitored and controlled. The key issue is to determine the best mechanism to ensure that occurs.

The landfill site has an existing leachate collection system, but we need to ensure that it is working effectively. The Environmental Protection Agency has been examining the measures in place at the transfer station and landfill site to control leachate. However, I believe we need to be taking some more concrete steps to ensure that the issue is controlled properly into the future.

One way of addressing the future management of this site is to put in place a legally binding environmental management plan which would be binding on the Brisbane City Council and other users of the site, including the new concrete recycling plant. In this way, clear environmental outcomes can be agreed, documented and measured to ensure that the wetlands are protected for future generations. I ask that the minister investigate this proposal, and I have written to him suggesting that this is my preferred way forward. Boondall Wetlands is one of our natural treasures and, therefore, we should be putting in place permanent measures to ensure its long-term survival and sustainability.

While on the subject of the Boondall Wetlands, I wanted to conclude my contribution to this debate by saying a few words about an agreement reached recently between Education Queensland, Brisbane City Council and Narashino City, near Tokyo, in Japan. The agreement

formalises arrangements between Earnshaw State College, a P-12 school in my electorate, and Yatsu Minami Elementary School in Narashino which allows year 6 and year 9 students to exchange information and reports on the activities of migrating shorebirds and other environmental issues associated with their respective wetlands. Both the Boondall Wetlands and the Yatsu Higata Tidelands in Narashino are connecting points in the flight paths of migrating shorebirds from as far away as Siberia, China, Mongolia, Alaska and Japan. A delegation from Narashino, including Mayor Araki, Chairman Suzuki of Narashino Council and the Principal of Yatsu Minami School, Mr Toyoshima, recently visited Earnshaw State College and the Boondall Wetlands. The formal agreement between the two cities was signed by our Minister, Anna Bligh, and the Lord Mayor, Tim Quinn, during this visit. In that regard, I acknowledge the great work of my council colleague and good friend Kim Flesser in the negotiation for the agreement.

During the visit, Earnshaw State College student Deane McLennon participated in the launch of a new shorebirds web site which he designed as part of the activities arising out of the agreement. The agreement provides a solid foundation on which students at both Earnshaw State College and the Yatsu Minami Elementary School can increase their language skills, the understanding of important environmental issues and also their understanding of Japanese culture.

My congratulations go to all of the Earnshaw State College staff and students who put so much effort into ensuring the success of this very worthwhile exchange program. For agreements such as this to be more than just words on paper, it requires a lot of goodwill and local support, and this has been enthusiastically delivered by the Earnshaw State College community. The magnificent shorebirds that established the first links between our two communities via their annual migratory flights are now joined in their journey by communities of people and students who share a common interest. I look forward to supporting the continued development of the links between my electorate and the people of Narashino City in Japan. I commend the bills to the House.

Mrs MILLER (Bundamba—ALP) (5.04 p.m.): I rise to support the Environmental Protection Legislation Amendment Bill 2003. One of the major objectives of this bill is to make it easier for local governments to operate effectively under the Integrated Planning Act 1997. These reforms will simplify and clarify the existing provisions for the approval and assessment of environmentally relevant activities. As local governments administer the majority of approvals for environmentally relevant activities under the Environmental Protection Act 1994, of which there are approximately 8,500 across Queensland, it is imperative that administrative processes are consolidated to create an efficient, speedy and convenient system.

The improved integration of the IPA and EP Act will see the removal of dual approval processes and systems. This will provide significant cost savings to local government and will ensure consistency in how the legislation is applied to industry. Local governments will be able to issue all of the development requirements on the one approval, rather than the current system which requires both a development approval and an environmental authority. This will benefit local government by giving more time to assess higher risk activities.

Improving the interface between the Integrated Planning Act and the Environmental Protection Act will result in the introduction of an operator registration system. This new system is much simpler than the current environmental authority system and is strongly supported by local government and industry. The ease of this system will enable operator registration to be approved within short time frames and remove duplicate assessment considerations. The operator registration system retains the ability for administering authorities to check the suitability of the applicant based on their environmental record. The registration system will also enable operators of new level 2 activities to easily transfer their registration to a new operator. The ability to transfer their registration will save unnecessary industry fees and application requirements.

A significant reform will be achieved by this new registration system through the requirement that deemed activities be registered. Registration of such activities will ensure greater protection of the environment. When first introduced, these activities were deemed to be approved and did not warrant the submission of an application. This deemed approval resulted in administering authorities having environmental registers with incomplete information regarding the scale and location of environmentally relevant activities carried out in the local government area. The information obtained through registration of these activities will ensure the Queensland government, local government and the community have more information to monitor the environmental performance of these activities.

Local governments have requested greater clarity in processing contaminated land referrals. Through this bill, local government will receive greater contamination of the contaminated land referral arrangements to meet their environmental responsibilities. By providing clear guidance on the circumstances in which contaminated land matters must be referred to the EPA, local government will know what and when matters are required to be referred and will be able to identify the types of minor matters that do not require referral. This saves time and work for local government and their clients, and for Ipswich City Council it means more money for roads, footpaths and more money for kerbing, channelling and so on.

The government remains committed to keeping administrative costs to local government at a minimum. The bill provides costs savings for local governments and will improve the day-to-day operation of the approval and compliance systems without compromising local governments' current obligations. I would like to thank Minister Wells, his staff in his ministerial office, and officers of the department for their work on this bill. Ipswich City Council and other local authorities are the beneficiaries of their great work. I commend the bills to the House.

Mr ROWELL (Hinchinbrook—NPA) (5.08 p.m.): In this cognate debate on the Environmental Protection Legislation Amendment Bill and the Environmental Legislation Amendment Bill there are a number of extremely important issues. There is little doubt that human endeavour has had a major impact on the environment. In the future we will have to be conscious of the necessity to be aware of issues of importance to the environment, because we do have the capacity to make changes to it.

I am concerned about the provision for third-party intervention if a person witnesses an event they consider inconsistent with the current laws. In respect of the environment, this legislation gives them the imprimatur to take legal action if they believe an offence has been committed. I believe in a situation such as that, in common with most other areas of law, departments have the capacity to deal with these particular instances themselves. There is nothing wrong with them being reported. Such situations may arise; for instance, an officer from the Department of Families witnesses a case of child abuse. We then see people who are not necessarily involved in what is happening taking those concerns to a court. There are situations such as damage to government property due to graffiti. Once again, it is not usual for somebody to take a person to court as a result of graffiti being painted on, say, a railway wall or something of that nature.

I am concerned about section 23 of the Environmental Legislation Amendment Bill, which gives the right to a third party to instigate civil proceedings to seek a declaration or enforcement order from the Planning and Environment Court. Of course, the provision of costs handed down by the court can be very expensive. I am aware of a situation in north Queensland where that has happened, and the grower involved is experiencing great financial loss as a result.

The concerning nature of this legislation is that it opens up the prospect of people who have a barrow to push being able to instigate an action if they see an act being carried out which is not in accord with their area of interest. While vexatious complaints are effectively ruled out by the bill, the bill provides the opportunity for a body or a person who has a particular concern with respect to the activity of another or others to pursue the issue before a court using funds generated by an organisation that is under the state government's patronage.

The consultation process did not include a range of persons who are likely to be involved in the bill. We have heard speakers from this side of the House raise this issue as being one of the problems they have with this legislation. Obviously, this legislation is targeting people who may be involved with outdoor activities—groups such as local governments, Queensland Farmers Federation, Agforce, Canegrowers and Queensland Fruit and Vegetable Growers to name a few. They very much come under the umbrella of QFF. They are not included in the consultation list. If we go to the explanatory notes to the bill, it states—

The provisions of the Bill have been developed following over twelve months of consultation with Government Departments, the Queensland Conservation Council and the Environmental Defenders Office.

What happened to the rest of the stakeholders—people who are directly involved in the process of this legislation and who are particularly affected by clause 23 of the Environmental Legislation Amendment Bill?

The options of pursuing issues relating to action by the government are currently available to the Environmental Protection Agency at common law and under an infringement of the Nature Conservation Act. So there is the capacity to deal with them, yet we have the prospect of third-party intervention. Why is there a necessity for another person or body of persons to pursue

issues which really come under the jurisdiction of the EPA? Simply to say that a party who commences action unreasonably may be required to pay the legal costs of the other party is a nonsense if they are using funds generated through, say, the Environmental Defenders Office or a body that may have reason to curtail or stop a particular activity in its own self-interest. While I admit that it may be speculative, a competitive position may be achieved by a third party taking advantage of clause 23 to further their own ends through an interim enforcement order initially. The explanatory notes say that an undertaking about damages cannot be required under an interim enforcement order. Page 12 of the explanatory notes goes on to say—

It may also be appropriate for the Court to make orders to prevent these new remedies being abused for illegitimate purposes.

Of course, this is dependent on the weight of information that can be generated by the applicant. Some of these applicants are particularly successful in generating this information.

This bill can encourage trespassing activities on freehold property by persons who have no legal right of entry but who want to justify their point of view. I know this has happened. Inaccurate data can be used to back up their point of view, leaving the property owner with limited defences to contest the outcome of court proceedings, particularly if finances are limited. Enforcement orders or an injunction may result in the loss of livelihood or cessation of a viable operation. There are numerous cases where pests have entered a freehold property uninvited and, ultimately, have brought about massive destruction of a crop. In these cases, without exception, the availability of this food source was not available prior to the propagation of these crops.

These are issues which have come to pass in recent times. People have really suffered as a result. Generally, the Department of Environment has been reasonable about declarations relating to pests. But, at the end of the day, if somebody has a particular issue that they want to raise, the third-party intervention can come into play. These pests were never encouraged to enter the property and have increased in numbers due to the efforts of the farming community who pay the price of being inundated with these pests. Why they are being placed in the position of suffering huge financial losses, and left with no mechanism to defend themselves if their financial ability to contest the order is limited, I do not know.

None of the deterrent measures have been successful. In fact, the results of trials have been abysmal. We have had a look at the trials with bells and whistles, sonic devices, smell compounds and all those kinds of things. I know there was a flying fox committee at one stage. I will talk about flying foxes for the moment because they have been one of the main perpetrators getting into properties and destroying fruit crops. Certainly there was an attempt made at one stage—and I think that has wound down considerably—to deal with these types of pests, to look for deterrents, but none have been particularly successful. Why has a successful deterrent not been found? It should not be left to the property owner to find the solution. Remember, these pests have not been invited. They come of their own accord. In fact, these wild species have trespassed. It should be up to those who want to claim these pests to stop their entry into properties, rather than using the mechanism set out in the legislation to spy on property owners because property owners have had to resort to measures to control these pests.

I recall that I asked the minister a question about who actually owns these species. I was fairly nonplussed with the response, because it depends on where they come from and whether they are a protected species. Very often they are not. The problem is that they do intrude into fruit growing areas and onto properties. I am very aware of the impact on those properties, as I participate in growing many of these fruit crops. I have found a solution which is very costly.

I note that the government really has not done a lot to encourage people to deal with this particular issue. These pests were never encouraged to enter the property and have increased in numbers due to the efforts of the farming community, who pay the price of being inundated with these pests. Why are they being placed in the position of suffering huge financial losses and being left with no mechanism to defend themselves if their financial ability to contest the order is limited? None of the deterrent measures have succeeded, as I have said.

Then the government goes on with the rhetoric of jobs, jobs, jobs. It is very important that we find solutions for these particular issues, because people have spent enormous amounts of money. I believe that under this legislation there will be a capacity for another group of people to intervene and take to court people who have spent enormous amounts in producing crops and putting together establishments over a long period of time. I note the case of the fruit grower in Dallachy. He is having enormous difficulties producing a crop. There is no successful deterrent. He is facing the prospect of further activities in dealing with these pests.

I turn to some very important issues relating to development. Keith Williams, who has established a profile of developing environmentally conscious projects in Queensland, such as Sea World and Hamilton Island, is also the developer of Cardwell's Port Hinchinbrook. To this point, stage 1 of the resort development has been well received by the general public; however, there is the exception of the opposition offered by the radical environmental movement in its attempts to obstruct the development on the basis of unsubstantiated claims of environmental damage and the support such claims received via media outlets.

I know that there is a fast-tracking system in the legislation that will reduce costs. I hope that works, because the transformation of the area to which stage 1 has been applied is incredible, offering first-rate views of Hinchinbrook Island and the channel area. I firmly believe that stage 2, which is now being proposed, will not jeopardise this viewpoint as a result of the guidelines that are being set to protect the environment. The development of stage 1 at Port Hinchinbrook has seen the construction of comfortable and affordable holiday accommodation which, in addition to catering to the desires of those wishing for a relaxing break, also features options for recreational activities in and around their surrounds.

Between Mourilyan Harbour and Townsville there was no all-weather, all-tide boat ramp available until the development at Port Hinchinbrook included such a facility. Irrespective of tidal or inclement weather conditions, boats on trailers can be launched and retrieved. This, coupled with the available parking area, has been well supported by the boating public. In addition to being a service that is free of charge to the users, this all-tide, all-weather access also enables Cardwell coastguard to respond to call-outs at any time.

Plans for stage 2 of Port Hinchinbrook include a residential lake and precinct of approximately 291 lots, a weir to provide entry to the lake for vessels under 16 metres in length, an 18-hole golf course complying with international standards, a 100-room boutique golf motel and a vegetation retention area surrounding Two Mile Creek.

In seeking approval for stage 2, Mr Williams expressed disappointment at misrepresentations which have occurred which have propagated distorted views regarding the new development phase. Such negative propaganda also surrounded stage 1, where an example of inaccurate reporting indicated that Port Hinchinbrook was to be constructed on Hinchinbrook Island and where television reports exaggerated on-site demonstrations to make them appear to be considerable in size when in effect this was not the case.

Another example of the hype that took place during stage 1 was when the antidevelopment movement presented the then Queensland Minister for Environment with a dead mahogany glider when he visited Dungeness on the southern end of Hinchinbrook Channel. It was alleged that the animal was found on the highway just outside the Port Hinchinbrook development, yet the area was assessed by the EPA at the time and it was found that there were no mahogany gliders present.

In addition to unsubstantiated accusations that Mr Williams breached his deed of agreement, he has also fielded accusations regarding the acid sulfate soil at Port Hinchinbrook. Both allegations were quashed by information and tests that proved otherwise.

At an estimated cost of \$1 million, Port Hinchinbrook's opposition also launched legal action which was lost in the High Court, where costs were set out to be the opponents' responsibility. A sum of \$500,000 was lost by Mr Williams in fighting the case, yet the opponents then went into liquidation or receivership and later resurfaced under another name.

If these battles were not enough, Mr Williams has also had to deal with a proclamation to halt construction which occurred as a result of a non-science based report which was written by a member of an antidevelopment group and which was supported by the Labor leader in the Senate, who then persuaded the Governor-General to issue an edict.

Specifically relating to stage 2, opponents to Port Hinchinbrook made claims that excavations and dredging would smother seagrass beds with silt sediment. However, surveys carried out between 1994 and 1998 by the Department of Primary Industries found that these beds had not worsened. With regard to excavation and dredging, claims were made that such activities would create general turbidity which would create increased silt loads in the Hinchinbrook Channel. Constant monitoring has resulted in turbidity and pH levels being recorded every six minutes for a minimum period of three years. What resulted was evidence that the upper limits prescribed for both turbidity and pH were not exceeded at any time. Dugong populations were also predicted to

be decimated, yet in fact Great Barrier Reef Marine Park Authority records indicate that between 1987 and 1999 an increase in population in the order of 394 per cent occurred.

The high levels of construction relating to Port Hinchinbrook has meant that many tradesmen who would have been affected by reductions in returns from the traditional industries in the region have been able to maintain their presence in and around Cardwell. For towns that have been almost totally reliant on rural industries, such as the sugarcane and banana industries, Ingham and Tully have benefited from having another industry to assist in diversifying their economies, employment opportunities and security.

Time expired.

Mr FENLON (Greenslopes—ALP) (5.30 p.m.): I rise to speak in support of the Environmental Protection Legislation Amendment Bill 2003 and the Environmental Legislation Amendment Bill 2003. In doing so, I would like to very briefly outline what is in those bills before speaking about some general principles that I believe underlie these pieces of legislation and the responsible attitude to policy in conserving our environment in Queensland in general.

The Environmental Legislation Amendment Bill 2003 amends the Nature Conservation Act 1992 to extend the standing provisions to clarify the scope and application of provisions to improve the effectiveness of that act in conserving nature. It also ensures that the Nature Conservation Act and the Recreation Areas Management Act contain adequate powers to provide for the safety of children in respect of dangerous animals—a very important issue for all Queenslanders in this diverse and sometimes dangerous state. Thirdly, it amends the National Environment Protection Council (Queensland) Act 1994 to simplify statutory procedures and to make minor amendments in accordance with the national agreement.

The other piece of legislation, the Environmental Protection Legislation Amendment Bill, sets out to achieve better environmental outcomes and provide better service to the administering authorities' customers by improving the integration of the Environmental Protection Act 1994 and the Integrated Planning Act for all environmentally relevant activities other than mining or petroleum activities. The amendments also refine the assessment arrangements associated with development proposals that involve the management of contaminated land.

Whilst these pieces of legislation are largely machinery in nature, what underlies them are some fundamental principles in terms of forging greater cooperation between the various parties who have an interest in conservation in Queensland and to foster and perhaps formalise partnerships in that respect. In general, the players with an interest in conservation in this state are the public, and in Queensland the public is extremely—and increasingly so—environmentally conscious and interested. That manifests itself in neighbourhood groups through to general interest in learning about the environment and participating in our national parks, et cetera. The other player is the government, with the fundamental and constitutional responsibility to provide environmental protection for this great environment that we have inherited—our coastline, our seas and our land.

The third party that I would identify is the specific environmental groups. For example, N4C, a group in my electorate, has a great interest in re-establishing our waterways, our creeks and associated riparian environments. These people have enormous energy, perform a great deal of work and are part of the overall fabric of interests in maintaining, conserving and improving our environment.

The other major party, in my belief, having an interest in conservation is Queensland businesses. Whether it be small business or large business, business has an increasing stake and interest in the environment. That manifests at a number of levels, whether it be industries which may have noxious elements to them, such as mining, through to businesses that are reliant, such as ecotourism, on a good environment and the protection of that environment for the fundamental existence of their own business.

What we see underpinning this legislation, and the continuing evolution of in Queensland, is the development of greater partnerships between each of these parties. More and more we see each of these parties working together to create better outcomes. In my own electorate, for example, with our local creek groups we have seen the Department of Natural Resources fund significant works which are adjacent to the Greenslopes Private Hospital. If anyone wishes to have a look at the work being done there, they will see that it is magnificent. You simply go down Nicholson Street and you will see the work that has been undertaken in association with local city council funding, federal government funding as well, as I understand it, as funding from the

Department of Natural Resources to clear weeds, to re-establish the waterway and to bring what was a fairly devastated and neglected area back to a very enjoyable state in the sense that local residents can walk through those areas and enjoy a real sense of nature with native trees and the prospect of seeing animals in the waterway itself.

There is a lot of innovation being applied there. One of the leading exponents within our local groups, Damien Madden, has come up with a great new idea to ensure that weeds are not allowed to grow back because of the removal of large trees that might not be wanted any more. What he has proposed is that we plant native fig trees at the top of radiata pine trees that are no longer wanted so that ultimately the fig tree will kill the host tree, thus creating a new canopy to ensure that weed growth does not return. Ultimately, the host tree is killed deliberately or by being smothered by the fig, thus creating a forest of more natural native vegetation—vegetation that will, like the fig tree, attract our native birds and animals. These are great initiatives that are coming through from our local community and from the public in general. With the support of various levels of government, they are able to achieve great results right down to our local suburbs and, indeed, in the metropolitan area.

This need for a greater partnership is also manifested on a more macro scale when we look at the level of development, particularly in the south-east corner, and the amount of land that has been set aside for conservation purposes. We must compliment Brisbane City Council for the magnificent work that it has done in the past decade—in particular, in implementing a green levy. I am told by my council colleagues that the amount of land that is now conserved within the Brisbane metropolitan area compares extremely favourably to that conserved within other state capitals and on a world basis. That is a magnificent achievement. Once we get outside the Brisbane metropolitan area it is not hard to see that much of the land that we see as bushland is privately owned. The potential for development on that land is extreme, and we really have to keep an eye on our strategic approach to planning and development in south-east Queensland, in particular, to ensure that much of that land is conserved in strategic corridors.

The only way we are going to achieve that is by working closely with business to ensure that balance is achieved when development occurs. We need to make sure that, as far as possible, we find ways of ensuring that the interests of business and the conservation of important tracts of land are congruent. We are still in the very early stages of exploring ways and means of achieving that by various incentives, or by looking at forms of development that provide greater flexibility in a way that allows conservation of land. That might be by exchanging land that might be more attractive to business with other land or other forms of cooperation.

I am sure that there are many ways to develop these partnerships. What is important is that we provide, by legislation such as this and future legislation, an adequate framework to allow that cooperation to occur, and to encourage such cooperation. These are important pieces of legislation that take us along that continuum. I commend these bills to the House.

Ms LEE LONG (Tablelands—ONP) (5.40 p.m.): I rise to speak on the Environmental Protection Legislation Amendment Bill 2003 and the Environmental Legislation Amendment Bill 2003. I will speak specifically on the amendments to the Nature Conservation Act 1992, which include provisions which could massively change the legislative environment facing our farmers. It claims that it is an opportunity for third parties to seek declarations and enforcement orders to allow earlier intervention actions to conserve nature. This bill also proposes massive maximum penalties for contravention of an enforcement order of up to 3,000 penalty units, which equals \$225,000 or two years imprisonment.

The relevant objective of this bill, as outlined in the explanatory notes, is 'to amend the Nature Conservation Act 1992 to extend standing provisions and clarify the scope and application of certain provisions to improve the effectiveness of the Nature Conservation Act in conserving nature'. That is pretty woolly, and I think it understates the scope of the proposed changes so dramatically that it appears to me to be quite deliberate.

We are not talking about a little tinkering around the edges here. This bill proposes a system with the potential, and I believe likely, result of shutting down some of our farmers. In particular, I refer to clause 23 and its insertion of new divisions 2 and 3 into part 10 of the act. The provisions provide that a third party can bring civil proceedings to seek a declaration, or an order relating to a declaration, or an enforcement order from the Planning and Environment Court. The declaration is meant to help resolve disputes between parties and to clarify the law. Orders relating to declarations generally serve the same purpose, and an enforcement order is the means by which any corrective activity can be directed.

What this witches brew really means is that anyone, or any organisation, claiming an interest in the environment as a third party, such as a conservationist or organisation recognised under these new provisions, can go to the Planning and Environment Court seeking a declaration about an activity, say the method of pest control used by a banana farmer, or land management on a grazing property, or irrigation programs on a vegetable farm.

We have already seen how devastating the manipulation of the legal system can be. We have already experienced that in the electric grid/netting flying fox saga, which has already significantly affected sectors of our fruit and vegetable growing industry. Farmers and their families have already paid an extremely high individual price because of the actions of one interest group. Under these changes it will only get worse.

The Beattie government is proposing that applicants for injunctions under these provisions will not have to provide undertakings as to damages, and parties to proceedings will have to bear their own costs. That will mean a farmer has no avenue for recovering the costs of his own defence for damages to income, property value, lifestyle or anything else under an interim enforcement order. In that light, the naive assertion that the declarations and enforcement orders are not and should not be regarded as punitive is plainly ridiculous. Even worse, accusations levelled against farmers will only have to be proven to a civil standard of proof and respondents are not permitted to argue the merits of a case in the criminal arena.

The potential chaos inherent in this bill has the Queensland Fruit and Vegetable Growers Organisation extremely concerned. In a letter to me they have asked that the bill be deferred until affected stakeholders are consulted. I am not surprised, as the only consultation that this government has undertaken so far is with itself, the Queensland Conservation Council and the Environmental Defenders Office.

The minister should explain why Queensland farmers, primary producer organisations, rural and regional development organisations, local councils and so on were not consulted. I think the claim in the explanatory notes that 'all stakeholders have indicated support' is wrong because, yet again, this government has demonstrated that the only voice it hears is its own.

Queensland Fruit and Vegetable Growers suggests a fallback position, and that is that the provisions about third party involvement be decoupled until the serious issues that they raise can be resolved. As I have pointed out, the primary issue is the extremely generous legal standing granted to individuals or groups seeking a declaration or enforcement notice as provided for in these amendments.

Queensland Fruit and Vegetable Growers believe, as I do, that if these amendments are introduced, conservation interests will immediately use them to challenge damage mitigation permits issued to farmers by the Queensland Parks and Wildlife Service. The assessment of this industry group of intimately affected stakeholders this government ignored is that there is a high risk that industry access to damage mitigation permits will be lost.

Potentially, Queensland Fruit and Vegetable Growers believes that many growers could leave the industry and there would, of course, be flow-on effects for regional employment and export markets. As they point out, what is proposed here is a major shift in government policy, something not clear at all by the stealthy approach taken in the development of this bill. The fruit and vegetable growers of Queensland, and especially in the far north and on the tablelands, are innovative and hardworking. They battle drought and flooding rains with true grit, but government imposed obstacles and red tape is something that is beginning to strangle them despite their best efforts. This bill might win green votes for the ALP, but it will devastate the bush and therefore I cannot support it.

Ms STONE (Springwood—ALP) (5.46 p.m.): It is with pleasure that I rise to participate in the cognate debate today. When I speak with the constituents in my electorate, it is very clear that they are concerned for the environment but they also wish to be able to access our great parks and forests for enjoyment. This is what leads to the complex problem between balancing the use of our natural environments and their protection.

It is with pleasure today that I inform the House of Chatswood Hills State School and how they have been achieving great results with enjoying our local environment and protecting it at the same time. The school was opened in 1983, and environmental education has been a major focus of the school since 1986 when the first environmental project club was established.

Since 1992 the school has been winning awards to celebrate its strong history of success and commitment in the area of environmental education. There are too many for me to mention

so I will highlight a few. In 2000 Chatswood Hills State School were the state winners in the Readers' Digest Environmental Awards and were state and regional winners in the Comalco Green and Healthy Schools competition. In 2001 they were once again regional winners in the Comalco Green and Healthy Schools competition, and they won the Young Legends Award. In 2002 they were one of the three finalists Australia-wide in the United Nations World Environment Day Awards. I am pleased to say that this year they were the national winner of the United Nations of Australia Environmental Award. The principal, Mr Glenn Thomas, was extremely proud of his wonderful school community and was delighted to accept the award in Melbourne on behalf of the school community. Winning this prestigious award has not stopped them. Recently they were announced the state winner of the Westpac Landcare Education Award.

So what is this school doing to protect our environment and educate students on the environment? Once again the list is just too long for me to speak on. Here is a sample of what Chatswood Hills State School students are doing. Each class group elects a child to represent them as an environmental ranger. This ranger acts as a good example to others and also meets regularly with the principal with suggestions for environmental improvements or ideas from the class. Each class has an area of the school which they care for. Each week they water, plant, pick up litter and mulch.

The school's project club has set up a composting program which has run successfully now for over 10 years. Compost buckets are placed outside each classroom and other educational areas. They are collected every afternoon by students and they sort, cut up and place the scraps in one of two compost areas. Students visit classrooms each year to explain what goes into the buckets and what cannot go into the buckets. Each year the school collects and recycles aluminium cans.

The Birds and Trees Project Club has been operating since 1986. Over the years the children have taken a barren corner of the school and created a rainforest and a habitat area with specific plantings. They have laid paths, edges, mulch and metres of irrigation for water conservation. The students also keep native finches and quail, and maintain their own tools and tool shed. The students maintain the school's shadehouse and propagate many local plants to use in the school grounds.

In relation to the koala plantation, in 1995 some 300 blue gums were planted in one area of the school. These are now being harvested by Daisy Hill Koala Centre and orphaned koala joey carers. Each year since 1994 the school has held a koalathon. This is a sponsored walk from the school to the Daisy Hill State Forest and back through the Springwood Conservation Park. Members of the community are invited to join students on this walk. Each year the students plan and implement an environmental theme. In the year 2000 students chose the project LEO. This focused on the problems of environmental weeds. The school collected these weeds from the local community and of course the school grounds and arranged for their disposal. Currently, the school has 10 fabulous distinct areas. They are colour garden, scent garden, line garden, shape garden, texture garden, Aboriginal food and use garden, rainforest area, habitat area, growing garden and shadehouse, and the koala corridor plantation. I must say that when anyone visits this fantastic school the first comments are always about the school grounds and they are always very positive.

I believe this is a very unique school that has a proud environmental history. In order not to lose the focus, the school could see it was necessary to write a program that could withstand staff changes and collect the environmental knowledge the school has. In conjunction with Julie Davis, a lecturer in environmental education at QUT, workshops, planning sessions and a program called Learnscapes Alive was developed. Many educational and government institutions have purchased the program to use as a model. The school also receives visitors from interstate and overseas to view the program.

The Springwood electorate is not only lucky to have such a wonderful school such as Chatswood Hills State School. It also has the Daisy Hill Forest, which will once again host the Go Bush program during January. Earlier this year a public meeting was held with the EPA to discuss the future of this unique bushland. The people at the meeting clearly informed me that they want Daisy Hill Forest to remain open to all recreational users currently using the facilities. The public meeting enabled the community the opportunity to give views and recommendations to the consultative committee and to the department. What I heard loud and clear is that people want to enjoy Daisy Hill Forest, whether it be on horseback, mountain bike, bushwalking or having a picnic. It is obvious that a strategy plan is needed so we can all enjoy this bushland and not ruin it

for future generations. I believe we can find a balance between good conservation management and meeting the needs of all recreational users of the forest.

While I passed those comments on to the minister earlier this year, I want to take the opportunity again today to remind him of the views of the meeting which over 80 people attended. I also want to put on record my thanks to Elizabeth Ashman from the EPA who did a very good informative presentation on behalf of the EPA at that meeting. I note that the bills clarify the scope of the permitted uses of national parks and give clearer powers to provide for people's safety with regard to a dangerous animal in a protected and recreational area. This adds another dimension to the complexities of the protection of our environment. As I said earlier, it is hard and complex to balance the use of our natural environments while conserving them. I believe the Beattie Labor government is achieving a good balance, and I commend the bills to the House.

Ms PHILLIPS (Thuringowa—ALP) (5.52 p.m.): I rise to support the Environmental Protection Legislation Amendment Bill 2003. The bill provides many improvements to the administration of the environmentally relevant activities which benefit not only local government and industry but also the general community. By reducing the complexity of administrative practices, local government can focus its resources on servicing the local community. These legislative changes will also enforce the Beattie government's commitment to maintaining a consistent, efficient and transparent approach to servicing the community.

Under the Environmental Protection Act 1994, information is available to the community through access to a public register. By maintaining this register and requiring all activities to register, the community is made aware of the environmentally relevant activities or proposed activities in their area and the compliance requirements of these activities. People who live in the vicinity of these activities are made aware of the criteria surrounding each permitted development approval. Such awareness influences industry to protect their corporate image by ensuring compliance with their environmental conditions.

The completeness of this information will also contribute to the more meaningful reporting through the *State of the environment* report. This report provides information on the state of Queensland's environment, including identifying trends in environmental values, achievements in environmental protection and evaluating the effectiveness of the Environmental Protection Act. The *State of the environment* report reflects not only this government's commitment to protecting the environment but also our willingness to submit our performance to independent scrutiny. Queenslanders will also benefit from administrative efficiencies brought about by this bill and will see the introduction of codes of environmental compliance. Such codes will protect and preserve our precious environment by paving the way for best practice environmental management.

A very important aspect of the bill is that it enhances the health and safety of Queenslanders by providing refinement to the administrative framework for the management of contaminated land. Where development is proposed on a contaminated or potentially contaminated site, these matters should be referred to the EPA for assessment. The changes in the bill will reduce some of the difficulties currently experienced in administering the integrated development assessment system in relation to referral for contaminated land matters. This can only benefit our total environment.

Currently, for the EPA to assess contaminated land matters, the development must be assessable under the relevant local government planning scheme. If a development is not classed as an assessable development under a local government scheme, then the application is not currently referred to the EPA. The changes proposed by the bill will ensure that, although some developments where there is contaminated land may not be identified in a planning scheme as needing to be referred, the development will, through the establishment of a specific trigger in schedule 8 of the Integrated Planning Act 1997, be referred to the EPA for contaminated land management. This provides for appropriate management of the contaminated site and ensures safety of those developing the land and the general community. The bill will significantly contribute to the protection of the environment and our community in this great state, and I commend the bill to the House.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.57 p.m.): I rise to speak on the cognate debate for the Environmental Legislation Amendment Bill and the Environmental Protection Legislation Amendment Bill. I firstly want to address some issues in relation to the Environmental Protection Legislation Amendment Bill. Environmental protection for many constituents right across Queensland is a very important issue. Our perspectives differ; our situations differ. However, if we

put a straw poll to everybody in this state, they would say that they support environmental protection and support the importance of sound environmental strategies.

A group in my electorate, EEMAG—the East End Mine Action Group—has been concerned about the impact of industry on its environment as far as farmers are concerned. Mount Larcom, or more accurately Bracewell, is an area that was divided into 80-acre soldier settlements quite a number of years ago. Eighty acres may not be large enough to have cattle running, but it is large enough to effectively have smaller rural enterprises on those blocks. However, many of those landowners have been unable to capitalise on their investment or to continue with their interests because of the dewatering of their properties in relation to mining by Cement Australia.

The interplay between the residents and the company has developed over quite a number of years. EEMAG is a group of residents headed by a small number of very active members of the community, but it is basically a community based entity. Over time it has prepared, presented and sponsored a number of documents, a number of studies and a number of reports that have shown that their land is affected by the mining activities of Cement Australia, previously Queensland Cement Ltd, and the dewatering that that mining has caused on their properties.

Any farm, irrespective of the size of the property, is of worth provided it has access to good water. Without water a farm is of little value, and that is what these residents are finding. When this bill was introduced, one of the EEMAG members, Alec Lucke, contacted my office because he was concerned that the legislation might impact on them detrimentally as landowners affected by Cement Australia's activities. I have checked with the Scrutiny of Legislation Committee to see whether within this legislation there is any retrospectivity and was advised by its research director that, to his knowledge and understanding, retrospectivity was not contained within the legislation. However, I would seek clarification from the minister as to whether anything in the bill will retrospectively validate agreements, EMOSs or any other environmental document that may impact on residents in that area.

Debate, on motion of Mrs Liz Cunningham, adjourned.

DEPARTMENT OF FAMILIES

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (6.00 p.m.): I move—

That this House calls on the Queensland government to increase funding to the Department of Families from areas such as printed promotional material; the Premier's Public Relations department and media areas—to enable an increase in the number of family support officers; increase in training of current young or inexperienced officers and an increase in the response and monitoring of families with reported problems.

Almost without exception when a non-government members calls for additional funding for a specific need we are asked rather caustically, 'Where would you take it from? Health? Education? Police?' This motion indicates where the money can come from—the Premier's PR machine. The last figure I had was that there were between 140 and 180 people in that area. We are regularly plied with glossy handouts promoting the Premier or the Beattie government—political material—the latest example being the self-appraisal by a media person in the Premier's Department on the state of Queensland Health.

We are calling for a large chunk of that money to be reallocated to the Department of Families. The need for this funding is very easily justified. Over recent times, there have been regular reports of failures in the process within the Department of Families. Before commenting on them, I wish to put on the public record that the vast majority of staff in the Department of Families—those FSOs, team leaders and staff at the coalface—are working above and beyond the call of duty to protect children, to work towards reuniting families where that is appropriate, and to find alternatives for those situations where a new caring home is indicated. They work, however, with too few staff and too little in the way of resources.

Recent events clearly prove this. In the Ombudsman's report in relation to little Brooke Brennan, released in May 2002, in a direct reference to the Department of Families, it is stated—

No remedial action was taken in response to a memo dated 2 March 1998, some 16 months before Brooke's death, prepared by the Gold Coast Area Office Intake Team concerning resourcing constraints that were impacting upon the team's ability to effectively perform child protection work.

And further—

Inadequate resources were allocated to the Gold Coast Area Office at the time of Brooke's notification to meet its statutory child protection obligations pursuant to the provisions of the Children's Services Act.

A report in the *Australian* of 25 October stated—

Witnesses at the CMC inquiry into foster care have painted a portrait of a grossly understaffed and underfunded families department that has failed to protect vulnerable children for many years.

In the report into baby Kate, the Ombudsman stated—

The case highlighted a lack of knowledge by officers of available options for appropriate assessment and support of mothers with inadequate parenting skills.

And further—

The delay in transferring case-work or case management responsibility from one Area Office to another may be symptomatic of widespread problems in respect of case transfers. DOF's policies and training on the transfer of cases are inadequate.

And further—

Case records were not properly kept and the investigation indicated that these inadequacies are likely to be widespread.

Funding to allow for training is vital. Newspaper articles claim that the Department of Families and individuals within it have failed. One such article states—

In the so-called Smart State, the department has to operate with outmoded technology—there aren't even enough desks for workers.

Many of the comments that I will quote tonight do not reflect on the minister as a person; they reflect on the structure and on the processes of the department. In relation to auditor Gwen Murray, and in the context of the CMC inquiry, it is stated—

Probing by Murray has uncovered yet another serious case, concerning a foster family at Hervey Bay, where allegations of sex abuse were ignored for several years.

On the first day of inquiry hearings, the department admitted to extensive shortcomings, with Peach making the extraordinary admission that it will take five to seven years to fix things.

Several days later, however, Director-General Peach, 'who had returned to respond to allegations, was insisting there was no departmental crisis after all'. In October the *Courier-Mail's* Margaret Wenham stated that the Queensland Public Sector Union claims that 'work-experience students were performing unsupervised case work to help out besieged Families workers'. Mr Peach, the Director-General, denied that that was occurring and, indeed, in his defence said that despite his 'best attempts to cajole proof of this out of anyone in his several thousand-strong workforce, none had been forthcoming'. The article states further that, unfortunately, the claims by Peach 'became a bit embarrassing when, later, counsel assisting the inquiry read out a half dozen testimonials from former student workers'. Again, in October the *Courier-Mail's* Gregory Jason and Amanda Watts wrote—

Workers told the *Courier-Mail* the department had moved from one crisis to the next—a situation they blamed on low staffing levels and dwindling resources.

Angela Swifte said she had worked with the department for a year before receiving any specialist training in dealing with crucial issues.

Susan Wust said there was too much paperwork, too many cases and not enough time to devote to clients.

Officer Hayley Blackburn claimed some children were placed in unsafe environments when emergency accommodation was full.

...

Another officer said she had the bizarre real case scenario of choosing between working with a sexually abused child and a baby with a skull fracture.

What pressure does that place on Families workers? Again, in October the *Australian* reported—

Child-protection workers from the department said yesterday it was understaffed.

They pledged to march to the CMC building today to demand that 400 extra workers be hired.

Also in October it was reported that one in 20 were left in a foster care homes despite the department having identified the placing as an unacceptable risk. My concern would be not that those officers turned their back on that unacceptable risk but that they lacked the resources to provide an alternative. We have been through the process of work management strategies, which has now thankfully—and to her credit—been done away with by the current minister. An article states that workload management strategies required staff at Families offices to prioritise cases as they were alerted to the department. I believe it placed unnecessary and undesirable pressure on staff to have to prioritise those cases. Levels 2 and 3 cases were, in many instances, written off because of resource shortages.

As late as today there was a report in the *Courier-Mail* stating that Coroner Christine Clements has accused the Department of Families of mishandling the case after the death of a

12-month-old infant boy on 19 February, 'less than three weeks after Families Department officers stopped visits to the child's family'.

My concern is that those visits stopped not because the department recognised that the risk had deteriorated, diminished or disappeared, but because they had so many other pressing cases that they felt they had to prioritise those other cases to the detriment of this small child. I am not under the misapprehension that the minister has an easy job. I do not believe she does. I think it is a very difficult portfolio. But because of its difficulty, more resources have to be allocated to that portfolio. More recognition has to be given to the importance of early intervention.

On previous occasions when I have raised this issue, the Premier as well as one or two of his ministers have accused me of a political stunt. Caring for children, wanting to clarify issues of concern in relation to their safety and calling for additional resources to support children and those workers charged with their care is not a political stunt; it is an imperative. Responding to abuse, attempting to rebuild a child after the event, is too little too late. More must be done to prevent abuse before it occurs. This motion is intended to enable early intervention, to enable enough staff to be on the ground to be able to respond to reports as they occur, not prioritise them to the detriment of those children, not requiring staff to say one notification is more important. I commend the motion to the House.

Time expired.

Mrs PRATT (Nanango—Ind) (6.10 p.m.): I rise to address the House on the notice of motion moved by the member for Gladstone—and I second it—that this House calls on the Queensland government to increase funding to the Department of Families from areas such as printed promotional material, the Premier's public relations department and media areas to enable an increase in the number of family support officers, an increase in training of young or inexperienced officers and an increase in response and monitoring of families with reported problems.

For the past few years the print media in particular has continued to report on families in crisis, which is mainly due to the lack of staffing numbers in the Department of Families. These problems have been highlighted and the number of mishandled cases increased, especially over the last few months, as the minister is well aware. We are not talking about a small problem here. We are talking about a major crisis within the Families Department relating to abuse cases. I have here just one year's media coverage in the *Courier-Mail* with regard to these abuse issues around the state. We are not talking about a little issue; it is a huge issue.

Most people should realise that governments must prioritise where their money goes. Governments have a responsibility to the people, first and foremost, not just to build monumental structures, which have perhaps been a benefit to the state; their primary purpose in being is to protect, look after and supply essential services to the community. As far as I am concerned, one of those essential services is the protection of our children.

The member for Gladstone has mentioned here previously the publications that have been released and the number of staff who assisted in their release. The figure was quoted of 140 to 180 staff. It is difficult to pinpoint the truth. It never seems to come out. I also tried to find out exactly how many publications have been put out as well as the quality and the cost of those publications. In the last two years the closest I could come to finding out was that there have been in excess of 500 at a cost of over \$2 million. I do not know about many people in this House, but quite frankly I think the majority of people would be happy to see a lower quality paper used. We do not need pearlised or embossed covers. That \$2 million would in fact go a long way to looking after our children.

No-one is going to argue that the minister's departmental workload is not enormous. Everyone accepts that, as the reports verify. It is horrendous. However, the truth is that staff are not trained as well as they could be and they are involved in situations that are way over their head. I know a lot of the staff in my own electorate. I have friends who are departmental staff. The truth is that a lot of them are very young. They have no experience of family situations and often lament the fact that they have had very little training before they are thrust into the coalface. That has also been mentioned by the member for Gladstone, who quoted from reports by people who gave evidence at the recent CMC inquiry. Also, the high turnover of staff is amazing. It needs to be realised that time and effort has to be invested in the staff so that they can cope and they do not leave.

The main thing that has to be emphasised is that this government must prioritise or it will soon have a new motto. There have been plenty of mottos associated with this government, but

the one that it should be very careful not to be known by among the general public is 'self-promotion before protection'. That is a damning motto. Believe me, I think it is one that will stick—self-promotion before protection of our young children.

It is time that there was a reality check in regard to the frivolous extravagance of these publications. It is time that the government put the money where it belongs and carried out its responsibilities in the way a true government would, and that is by providing for the protection of our children.

Time expired.

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) (6.16 p.m.): I move the following amendment—

That all words after 'House' are omitted and the following words inserted:

Recognises that the Beattie government has doubled the funding for the Department of Families; almost doubled the number of front-line child protection workers; added an additional \$1 million for training; established audit and review teams and appointed senior practitioners and extra SCAN coordinators to improve the response and monitoring of families with reported problems.

I think anyone who considers the amendment I have moved today—any independent, fair-minded person—would have to see that that amendment is about fact and they would have to vote for it. I have great time and respect for both the member for Gladstone and the member for Nanango. I know they are not moving this motion tonight because of any political games but because they are genuinely interested in this area and in child protection. My only problem with their addresses tonight is that they rely for all their information on the *Courier-Mail*, and I think that is a real problem. They need to read the CMC's web site where a lot of good people present a lot of good information and get a better understanding of the whole child protection system rather than rely on the *Courier-Mail* for their information.

The reality is that the Beattie government has provided unparalleled increases in funding to the Department of Families. In fact, we have increased this department's budget by 103 per cent, which represents a \$208 million increase in total. In last year's budget we added another \$188 million over four years—unprecedented increases to this department's budget. More recently, I have announced more funding for this department and more initiatives. They include an additional nine senior practitioners. That means that for the first time in this state every region will have a senior practitioner to supervise and support our child protection workers. That will be a first.

This year I introduced a quality assurance unit which for the first time will go around and monitor and examine departmental decision making area office by area office. More recently I announced a doubling of that unit to 10 people so that we can make sure that that is an area of priority for this government. In the last few months I have announced that another 40 permanent child protection positions will be created. I have announced another 25 SCAN team coordinators. For the first time in this state every SCAN team will have a coordinator.

I have announced an additional \$1 million for staff training. It is true that our staff are young and inexperienced. We make no secret of that. We talked about it at the CMC inquiry. In fact, 60 per cent of the child protection workers are in their first three years out of university. No other bureaucracy would have those kinds of figures. We know that we have to put more money into training. We know that we have to develop a better career structure to keep those workers, and we are committed to doing that.

The other thing I have talked about a lot in this House and at the CMC is our poor information management system. We have put money into that, but it will take some time to develop that new system. In the meantime, though, we will have a review of the record keeping. We will be training our staff in the new year in better record-keeping procedures. We have done a lot, but we know that there is more to be done to improve our child protection system and we are committed to doing that.

Finally, in the short time that I am allotted I want to make a couple of points about the motion moved by the member for Gladstone. She is down on the fact that we spend money on printed promotional material and the member for Nanango talked about that material being frivolous extravagance. This is a small example of the printed promotional material that we put out in the Department of Families. Five hundred and fifty thousand copies of the latest edition of the Families magazine will be going out throughout Queensland. I can tell the House that schools, doctors and child-care centres love it.

Some of the other information that we give out is about education. We have to educate people about these matters. It is about prevention. The only way that we are going to improve the system is to have an educated population. That is what this printed promotional material is about. I challenge the members opposite to examine any of our publications and tell me which ones are frivolous and which ones are extravagant, because we are committed to prevention and early intervention.

Mr NEIL ROBERTS (Nudgee—ALP) (6.21 p.m.): I am pleased to second the motion put forward by the Minister for Families, Judy Spence. At the last sitting of this House, I highlighted the reforms that Minister Spence has introduced and I want to reiterate much of that again tonight.

The minister has handled the foster care issue with courage and commitment. Considering that the allegations surrounding the family at the centre of the foster care issue dated back to the 1980s, it would have been easy for this minister to say that those issues were not relevant today. Instead, Minister Spence has acknowledged our government's responsibility to fix the problems that have been identified and has proactively put in place measures to identify, expose and correct the problems that exist.

The coalition's historical lack of funding in the Families Department is widely acknowledged. This is changing. I want to talk about some of those changes more specifically later. The fact is that we have decades of underfunding to make up for.

The member for Gladstone, who moved the original motion, has been a long-term child protection advocate and she is to be congratulated for that. However, all of the initiatives that she mentioned in her motion are currently being implemented through our current minister. It is ironic that the member for Gladstone chose to support the formation of the Borbidge government, yet that government has the worst record in child protection funding in recent history. The issue of paedophilia and child abuse was also a difficult issue under the Borbidge government, yet it did not increase child protection funding to the same extent as the Beattie Labor government has.

In 1996, the member for Gladstone also spoke against a motion in this House calling for a royal commission into child abuse and paedophilia. If that royal commission had been allowed to go ahead, it may have brought to light the issues that we are now confronted with.

No-one can deny the fact that the Families Department has never seen such a large increase in its funding as has occurred under the Beattie Labor government. No other government in our history has shown the same commitment to righting the wrongs of the past in terms of child protection in this state.

When one looks at the raw data about the budget increases and compares it with the historical neglect of the Families Department by the coalition government, it is staggering. Since 1998, the Families budget has more than doubled. As the minister indicated, there has been a 103 per cent increase, or \$208 million, going directly into the Families Department budget. In the 2002-03 budget, the government made the commitment of increasing the Families budget by \$188 million over four years and significantly, to date, there has been no commitment on the record by the coalition to maintain those funding levels should they form a government after the next election.

Last year and this year the Families Department budget increased by \$42 million per annum. Nothing of this magnitude has ever been seen in the Families Department in the history of this state. This massive increase has seen an equally impressive increase in staff numbers. Since 1998, the department staff allocation has increased by 57.1 full-time equivalents, or 88.4 per cent. To put that into perspective, under the Borbidge government there was an increase of 15.6 full-time equivalents, including only three in one year or six per cent over two years. The Beattie government surpassed that increase in its first year in office by increasing staff levels by 17.6 per cent in 1999.

On top of all this extra funding and staff, the minister recently announced an extra \$4.5 million for 2003-04 and another \$5 million per annum ongoing, which will go towards 10 additional family service officers on top of the 30 recently appointed, five additional staff in the quality assurance unit to increase the number of audits, nine additional senior practitioners and 15 full-time and 10 part-time suspected child abuse and neglect, or SCAN, team coordinators. That extra funding will also go towards new and enhanced training and staff development initiatives, contracted client improvement teams to ensure current filing systems and record keeping is fully overhauled and an enhanced client data conversion process to ensure data integrity.

The member for Gladstone has also highlighted one particular issue in her motion, which is the number of inexperienced staff in the department, and the minister has touched on this issue. It is also an issue that was raised at the CMC inquiry. With any department that has seen such a large increase in staff, the proportion of experienced staff to new and young staff is always going to change. That also occurred in the Police Service when we started increasing the number of new recruits on a massive scale and continue to do so under this government. Unfortunately, one cannot buy experience. It only comes along with doing the day-to-day job, day in and day out.

The Families Department is acutely aware that experienced staff have to be retained and they have to get the mix right between experienced and inexperienced staff. Our commitment to training will also assist in this process.

Time expired.

Ms LEE LONG (Tablelands—ONP) (6.26 p.m.): I support the motion put forward by the member for Gladstone. Frequently we hear of calls for more money for this or that worthy project, but the catchcry frequently is where to find that money. This motion not only identifies extremely worthwhile goals but, importantly, also clearly identifies a source for that funding.

After revelations in the latter part of this year, in particular about the operation and staffing of the Families Department, there cannot be one person in this place who would argue that extra funding was not desperately needed there. Tonight it is being proposed that additional family support officers, increased training for young or inexperienced officers and an increased response to and monitoring of families with reported problems all be provided by this government. It is surely evident to all that those things are desperately needed.

No doubt there are significant sums that are now being spent on printed promotional material and on the Premier's public relations department and media that could be redirected to those functions in the Families Department. That they are not already simply indicates that this Beattie government believes spin doctoring and glossy brochures are more important than the safety and welfare of our children.

Basically, the challenge is for the Beattie government to put its money where its mouth is. Right now much of its money is being spent on publicity, on looking good, on flash advertisements and on press releases and the like. At the same time, the Families Department is struggling and is using university graduates and operating with such low morale it battles to keep staff long enough for them to build up their experience.

How many files could be cleared up with the money that this government now spends on tarding up the media tart? That is what this motion is about. The arguments from the members opposite are all over the place because there is no honest reason not to support this motion. To argue against it in any way is to say, 'Pity about the kids, but we want to make sure we have plenty of spin doctors. Let's leave Families Department officers with the bitter choice of picking and choosing which families and which kids to help.'

It seems that the Beattie government's priority is to look as good as possible. That is cynical politics at its very worst. Heaven forbid that the Premier pass up even a little of his media tart image in the interests of Queensland kids! If he did, if he cut back on his promotional activities and his government's promotional activities in favour of Queensland kids, he might even get a bit of free press from the local media.

I am a very strong supporter of families. I believe firmly that the family is the best place for children. Nothing but nothing can replace natural mums and dads. That is not intended as any kind of slight on those wonderful people who commit themselves to acting as foster-carers. I recognise and accept that there are circumstances in which children do need to be removed from the family situation. However, personally, I would like to see a great deal more attention paid to the causes of family breakdown.

We certainly seem to see plenty of attention given to the causes of crime and we hear plenty of arguments about the need to address the reasons people act in certain ways. Yet it appears to me that when it comes to the breakdown of the family functions we concentrate too much on taking children away from their families and not enough on addressing the reasons families may have failed their children. I am talking about the wider issues of society's attitudes where we have seen the values of our traditional nuclear family challenged on all kinds of grounds—on the basis of children's rights, on the basis of cultural requirements, on sexual discrimination, and on and on it goes. But an underfunded department with overwhelming workloads, crippling morale issues and too many inexperienced staff will never be able to take a long look and address such underlying issues and so reduce the number of at-risk children in this state.

In my own electorate I have had many complaints about children being taken away where there does not appear to be strong cause and also of children who have not been removed from dangerous situations. It must always be a difficult decision to make, and on that basis I certainly extend my sympathy to those officers who have to make those hard decisions. Making such difficult calls requires, I believe, really high levels of skill and expertise. However, even with those things it cannot help to be operating in an underfunded situation.

Tonight's motion suggests drawing funding from promotion and publicity areas and other low priority areas. I point out that there are also examples of what I believe are poor funding decisions in other areas such as sporting fields and walking bridges which clearly this government thinks are more deserving than the children of this state. This motion deserves the support of everyone in this House because it is about supporting the children of Queensland. I certainly support the motion of the member for Gladstone.

Time expired.

Mrs ATTWOOD (Mount Ommaney—ALP) (6.31 p.m.): I rise to speak about the great things this government is doing to tackle the issue of child abuse and to ensure an effective and proactive Department of Families. This government has ensured that this department has adequate funding to meet the cost of much-needed reforms. Child sex abuse respects no social, economic or geographic boundaries. It impacts on the whole community, often with devastating effects. It has been a long-standing problem regardless of which government has been in power. However, there have always been funding shortfalls during past governments.

The findings of a major survey released a few weeks ago into child abuse were extremely concerning. Many Queenslanders might not have seen the Australian Childhood Foundation's report and would be disturbed to learn that a large proportion of the community tolerates violence against children. A staggering one in five of those surveyed did not regard injuring a child as serious enough to merit charging a parent with assault, and almost one in 10 would not support a prison sentence for parents convicted of sexually abusing their child. This demonstrates to me that, despite the media's heavy focus on child abuse in the past two years, large sections of the community still do not accept that violence against children is extremely serious. Others are simply confused.

Almost one in four of those surveyed either did not believe that sex between a 14-year-old girl and an adult is sexual abuse or were uncertain about it. The community must move towards zero tolerance of child abuse. So what is the Beattie government doing to shift public attitudes by raising awareness? In 2000 we developed a child abuse prevention training package, and in May this year we distributed 550,000 copies of a special edition of the *Queensland Families* magazine. Then in June a \$1 million statewide campaign of prevention was announced. This was one of the recommendations from Project Axis—a joint inquiry by the Queensland police and the Queensland Crime Commission into child sexual abuse.

The findings of that inquiry were personally very disturbing, considering that up to 45 per cent of females and 19 per cent of males may have been victims of child sexual abuse during their childhood. Children are most often sexually abused by somebody they know and trust and most often that their parents know and trust. Most child sexual abuse occurs in or close to the child's home. One in five offenders find their victims in organisations they are involved in. About half the victims of child sex abuse never report the abuse to another person.

If you are a parent or responsible for the care and safety of children, you need to be aware of the facts of sexual abuse. Being a member of and visitor to a number of community groups in my area, I understand the importance of being aware of the indicators. We have all learnt in the past decade that child abuse flourishes in darkness and cover-up. Our minister, Judy Spence, has always advocated total open accountability and debate on this issue. For too long the Department of Families has been accused of having a secretive culture. Last year Judy Spence announced in this House the establishment of an information gateway to ensure that the Department of Families becomes open and accountable. A hotline to hear complaints and an independent audit into all of our existing foster-carers was established.

That is why it is essential that this government introduced an awareness campaign to target parents, carers and organisations working with children and young people. Being informed about child protection issues is crucial to preventing child sexual abuse. All allegations should be investigated because one abused child is one too many. This government is encouraging every member of the community to treat as serious any incidents or suspicions they might have. Child protection is everybody's business.

Through television commercials, radio and newspaper advertisements, information folders as well as advertisements in shopping centres, bus shelters and on buses we hope to raise awareness of sexual abuse, and allow parents and carers to access important information on this issue. The key message of the campaign is, 'Things you need to know', which reflects the importance of an informed community in child sex abuse. Because we cannot be with them every minute of the day, there are things we need to know as a parent or a carer, as a member of a community organisation or as a member of the community in general. Information has been provided to parents, carers and organisations with comprehensive and practical information about child sex abuse. The Project Axis recommendations highlighted the need to increase awareness generally and to more effectively inform organisations working with children and young people about dealing with child sexual abuse issues.

I have outlined a number of measures that this government has been taking to ensure that the community is equipped to be on the lookout for situations of child abuse; that they know how to handle these cases; and, finally, that the government can deal effectively with this information to prevent tragedy.

Time expired.

Miss ELISA ROBERTS (Gympie—Ind) (6.36 p.m.): I rise this evening to speak in support of the motion in regards to the need for increased funding to be allocated to the Department of Families. Recent discussions which were held between me, other Independents and the Department of Families staff confirmed the fact that there is a lack of adequately trained and experienced family support workers within the department. In supporting this motion, I am well aware of the stress associated with being employed as a support officer, and I understand that being continually exposed to alleged incidents of the abuse of vulnerable children within our society would be very difficult and emotionally draining.

Nobody could find it easy to work in such an environment, and this is why the government has to ensure that the conditions of the department staff are the very best that we can provide so some of the pressure from staff members is lifted. In order to increase retention rates of department employees, additional training and support need to be available to ensure that staff are experienced and capable to deal with the problems which arise as a part of their daily duties. Results of understaffing have led to the apparent use of university undergraduate students as assessors of suspected abuse. To place such a responsibility on an inexperienced student is unfair to both the victim and the accused when it comes to decisions which will ultimately affect a number of lives forever. It is a burden which should not be placed on these students, who are ill-equipped to deal with the complex and sensitive issues of child welfare.

Back in April 2002, media reports stated that, at around 880, our Premier had more staff than our Prime Minister. Whilst I am not aware of whether this was true or whether it is still even the case, if it was true then surely it is not unreasonable for us on behalf of the families whom we represent to request that a portion of the money allocated to the employment of so many be redirected to the Department of Families in an attempt to prop up the department and its most valuable resources, which is of much more consequence and value to people—particularly the children of Queensland.

This motion is not about making unreasonable demands upon the Premier, because we are realistic enough to appreciate that a Premier must have a requisite number of staff and advisers, but to have more staff than the Prime Minister is probably a little excessive. Recent media articles have not even scratched the surface of people who are suffering as a result of inadequate staffing levels. There are many who are falling between the cracks because they do not fit the criteria for Disability Services and go beyond the jurisdiction of the Department of Families.

The Minister for Families has emphasised that Queensland now has more money appropriated to the department than ever before and that 25 new child abuse workers have recently been employed. Whilst both initiatives are commendable, and I acknowledge that there are no quick-fix solutions or simple answers to these often trying and difficult circumstances, more work still needs to be done and money has to be found in order to address the shortfall in the department regarding staffing numbers.

Low staff levels make it difficult for case officers to handle each individual case to the best of their ability. More staff will allow for a reduction in case overload on the current members and a better outcome for all. The cases which have come to light via the media in recent times are really only the tip of iceberg. There are so many people out there who are in genuine need of respite services and assistance as well as advice and just day-to-day coping mechanisms.

I know of families who have children who have special needs which are difficult to address because in some cases these children are too much to handle for special education units at state schools. These same children are not disabled. When they are banned from school and day care centres, there is nowhere else for them to go.

The Department of Families is a diverse service as it oversees so many different circumstances relating to families' needs. None of us on this side of the House wants to see money taken from health or education or any other vital areas, but we wish to provide possible solutions to the current situation facing the department. The government could look at money saving devices such as perhaps the electronic distribution of annual reports and brochures on the Internet. People could download them should they wish to rather than wasting money on printing them when, in many cases, these types of reports up end in the bin and unread.

It is hoped that this motion is not viewed as an attack on the department and its hardworking staff but more as an attempt to highlight the real issue behind recent problems which have arisen within the department and brought to my attention by department staff themselves.

Mr MICKEL (Logan—ALP) (6.41 p.m.): I find it ironic that tonight we are debating a motion to cut back information services when today in my electorate the government has announced funding for the major youth group in my electorate to produce material to help youths get the services they need when they need them. I want that money and that group needs that money. If any members doubt it, they should go down and talk to the Southside Christian Church tomorrow. I issued that challenge some weeks ago to the member for Gladstone. I mentioned the figures at that time. I am not aware that she has done that. I invite her again tonight to come down and meet face to face with the people who deal with these problems every single day of the week and every single week of the year. I challenge the member to do that.

Other than that, this motion tonight is nothing but hypocrisy. A few weeks ago the member was up here saying that she wanted to have a royal commission. It was rejected federally because they said it was a lawyers' picnic. I argued at the time that I did not want a royal commission. If they reckon they had that sort of money, I want it to go into children services and the protection of children in Logan. What do we get in response from the member from Gladstone? Silence!

The other piece of hypocrisy tonight was from the member for Tablelands, saying that kids should not really be taken out of the families. She said that a few weeks ago. Why do they do that? It is simple. There is one reason—to protect children. What was the member's response? She said they were a bunch of Stalinists. Now she is up here tonight saying that the staff feel put upon. Well, they are put upon by people like the member opposite. Why does she not accept the fact that it is very difficult to be a staff member in the Families Department?

In the previous debate I said that staff do not deal with abuse in the Families Department; they deal in degrees of abuse. Every phone call is about abuse. The response is: which abuse do they respond to first?

Ms Lee Long interjected.

Mr MICKEL: If the member does not understand that, she should come down to Logan West. She should not interrupt me. The member opposite should apologise to the staff in her electorate because she called them Stalinists. The member called them Stalinists when what they were doing was protecting children.

Listen to the other great quote to illustrate hypocrisy tonight. It says that 'the budget places great emphasis on education, welfare, information technology, none of which generates a lot of wealth'. Who made that quote? It was made by none other than the member for Nanango in 1999. Was she calling for more services for family services? Of course not. Not only was she calling for less services for family services, she was calling for less education and information technology, the very things that will raise the society.

Tonight, we heard this hypocrisy from the member opposite saying, 'Oh, we really do bemoan the fact that there is not enough money.' Four years ago, when the Beattie government was doing something about it, what was the member's response? Nothing but churlish, childish criticism. That is the only response from these people. Why is it that when the member for Gladstone put in the Borbidge government, which massively reduced public funding for family services, we heard nothing about it? Why is it that tonight she is up here enjoining us to spend more money? It sounds to me as if this is nothing but a National Party apologia. Why am I entitled to say that? Because out of the 208 divisions in the life of this parliament, the member for Gladstone has voted with the government on 30 occasions—30 out of 208, or 15 per cent of the

time. Nobody in this state believes that the honourable member for Brisbane Central, the Premier, is wrong 85 per cent of the time—nobody! Yet the member for Gladstone does under the guise of independence.

This motion should be seen for what it is—an apologia for the National Party and an apologia for their lack of funding of this vital service over so many years.

Mr SPEAKER: Order! We have a point of order.

Mrs LIZ CUNNINGHAM: This motion has nothing to do with the National Party; it has everything to do with the defence of children.

Mr SPEAKER: That is not a point of order.

Mr MICKEL: And the member's support of the National Party has had nothing to do with the defence of children. She supported chronic underfunding year after year after year. What we had from the member for Gladstone was total silence in the face of that chronic underfunding.

Time expired.

Mr CHRIS FOLEY (Maryborough—Ind) (6.46 p.m.): I note that in recent times much has been said about the fact that around \$300 million has been spent on Lang Park and about \$32 million on the Goodwill Bridge.

Government members interjected.

Mr CHRIS FOLEY: If the honourable members from the other side will listen, they might get a clarification here. Some would say that that was a waste of money, but I am not one of them. Really, they have provided good, long-term facilities in terms of Brisbane's infrastructure.

By contrast, the vast sums spent on an avalanche of full colour, glossy, self-aggrandisement orientated publications will be here today and gone tomorrow. I do believe that we need some government publications as I believe in the maxim that you not only have to do your job but you also need to be seen to be doing your job. I think everyone would agree with that.

I was, however, very disappointed to hear in the House this morning that the author of this motion, the honourable member for Gladstone, had her character somewhat maligned by no less than a Beattie government minister by saying that she was the greatest self-promoter of all time. The member for Gladstone is one of the most humble and hardworking members in this House. I would like to put on the public record that I was very disappointed in this slur on her character.

Child sexual abuse is widely regarded as a major cause of mental health problems in adult life. Child sexual abuse is not randomly distributed through the population. It occurs more frequently in children from socially deprived and disorganised family backgrounds. Marital dysfunction, as evidenced by parental separation and domestic violence, is associated with higher risks of child sexual abuse. Similarly, there are increased risks of abuse with a step-parent in the family and when family breakdown results in institutional or foster care.

Poor parent-child attachment is associated with increased risks of child sexual abuse, though it is not always easy to separate the impact of abuse on intimate family relationships from the influence of poor attachments on vulnerability to abuse.

Disrupted family function could in theory be related to child sexual abuse because of the disruptive influence of a perpetrator in the family. However, given the majority of abusers are not immediate family members, it is more likely that the linkage reflects a lack of adequate care, supervision and protection that leaves the child exposed to the approaches of molesters and vulnerable to offers of apparent interest and affection.

I have on more than one occasion in these hallowed halls expressed to Minister Spence personally that I feel sorry for the firestorm that she has walked through in recent days with regard to her very difficult portfolio, and I do not wish to trivialise that at all. Clearly, greater resources are needed for the Families Department workers, who surely must have one of the most heartbreaking jobs in any of the ministerial departments. These are good people who care greatly about kids in crisis in Queensland, but they simply need more resources and, as wages are one of the biggest cost factors in running a department, this motion is logical and practical in its intent and delivery.

However, with all the money spent on print media, the old adage that today's news becomes tomorrow's fish and chip wrappers is true. Some of these publications will make very fancy fish and chip wrappers. I am all for the use of the Internet as it is ecofriendly, modern, interactive and also much less costly in its delivery. The solution is very clear: less money spent on backslapping

and more money spent on kids in crisis in Queensland. Like the small boy in *Oliver Twist*, when it comes to more money for kids at risk in Queensland, we ask for 'more, Sir, more'.

Mr TERRY SULLIVAN (Stafford—ALP) (6.51 p.m.): A motion before the House about funding for the Department of Families should be the opportunity to debate policies, priorities and problems in the most problematic of portfolios—Families and Disability Services. Unfortunately, because of the way that the member for Gladstone has moved her motion tonight, what we have before us is cheap politics and a simplistic approach to a most complex issue. My colleague Mr Deputy Speaker Fouras relates a story from one of his sons about this matter.

Mr Fouras: He said that for every complex problem, Terry, there's a simple solution, but it's always wrong.

Mr TERRY SULLIVAN: It is always wrong, and I think that the member for Gladstone is wrong tonight. I acknowledge that at times the member for Gladstone does raise issues of substance, but there is an increasing tendency for her to go for the cheap shot, the low blow that skirts around the difficult elements of a complex issue. Tonight is one of those occasions.

The member for Gladstone talks about spending less on promotional material and more on responding to families in need. There are three major problems with her proposal. Firstly, as other government members have already pointed out, promotional material is often preventative material. We want to prevent the abuse or, if abuse occurs, we want to provide information which will allow victims to know what to do and where to go for help. Secondly, if Mrs Cunningham truly wants promotional material across government departments stopped, what materials does she mean? Information that goes to our schools? Health promotion materials? Advertising grants for businesses and individuals as part of the innovation funding package? Then let the member for Gladstone tell schools and patients and businesses that she does not want them to know what services are available for them.

The member for Gladstone refers specifically to the office of the Premier. She uses the words of the Leader of the Opposition when she refers to the Premier's public relations department. I will detail some of the work from Premier's to show how shallow the argument is from the speakers opposite. From Premier's we have activities and promotions for events such as Queenslander of the Year, volunteers awards, seniors awards, multicultural awards and the recognition of Queensland greats. For which of these awards does the member for Gladstone want no promotional material? Will she cancel the seniors awards? Will she abolish the volunteers awards? Does she want to cancel the advertisements and brochures that inform her constituents of these community-building activities? If the member for Gladstone wants to cancel these ceremonies that recognise these constituents, then let her explain that to her electorate.

Another part of the government's promotional activities is a range of events to enhance community engagement, the flagship of which is the holding of community cabinets. Which of these does she want scrapped? Which part of regional and rural Queensland will she exclude from these community-building activities? Community engagement is also involved with schoolies. What part of this promotion does she want stopped?

The third and major problem with Mrs Cunningham's motion relates to her double standards on this issue, because in her time in parliament she has acted one way towards the coalition funding policies in this area and another way towards the Labor funding priorities. Let us look at some of the things that happened during 1996 to 1998 when Mrs Cunningham was propping up the Borbidge-Sheldon government.

The coalition promised before the election to improve funding for disability services and the National Party Families Minister, Kev Lingard, called for submissions from community service organisations. The coalition received bids for \$36.7 million from community organisations and funded just \$1.7 million—less than five per cent of the bids it called for. In the following year, it did not even call for submissions. And where was Mrs Cunningham's notice of motion at that time? Where was her voice raised in protest at the dismal failure to provide even moderate funding? She was nowhere to be seen or heard, except in continuing to vote to keep in power another coalition government that did nothing to improve policy or funding for families or people with a disability.

On 30 October 1997 Anna Bligh moved for an immediate allocation of \$5 million in crisis funding to meet the critical needs for Queenslanders with a disability. I now table an extract from *Hansard* that shows that the member for Gladstone voted against that immediate funding. That is her record! That is the sort of thing she has done. In the lead-up to the 1998 election, the Borbidge-Sheldon government spent millions of dollars on advertising during the last months of its

campaign, and it was political. Do not take my word for it. The Australian Broadcasting Authority had determined that \$7 million of the Borbidge-Sheldon government advertising was political. And where was the member for Gladstone then? She was hiding behind her facade of independence. She was pretending to be weighing up both sides of the political argument and always—always—voting for the coalition on any matter of substance in these areas. So her motion tonight reeks of hypocrisy. Her call rings hollow because of her past record. For these reasons, we must defeat her motion.

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

AYES, 53—Attwood, Barry, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, Croft, Cummins, J. Cunningham, English, Fenlon, M. Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Livingstone, Lucas, McNamara, Mickel, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Poole, Reeves, Reilly, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wilson. Tellers: T. Sullivan, Purcell

NOES, 18—Copeland, E. Cunningham, Flynn, C. Foley, Hobbs, Hopper, Lee Long, Lingard, Malone, Pratt, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Wellington. Tellers: Lester, Watson

Resolved in the **affirmative**.

Question—That the motion, as amended, be agreed to—put; and the House divided—

AYES, 55—Attwood, Barry, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, Croft, Cummins, J. Cunningham, English, Fenlon, M. Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Livingstone, Lucas, McNamara, Mickel, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Pearce, Phillips, Pitt, Poole, Reeves, Reilly, E. Roberts, N. Roberts, Robertson, Rodgers, Rose, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wellington, Wilson. Tellers: T. Sullivan, Purcell

NOES, 16—Copeland, E. Cunningham, Flynn, C. Foley, Hobbs, Hopper, Lee Long, Lingard, Malone, Pratt, Rowell, Seeney, Sheldon, Simpson. Tellers: Lester, Watson

Resolved in the **affirmative**.

Sitting suspended from 7.06 p.m. to 8.30 p.m.

ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL ENVIRONMENTAL LEGISLATION AMENDMENT BILL

Second Reading (Cognate Debate)

Resumed from p. 5199.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (8.30 p.m.), continuing: Prior to the dinner recess, I noted that the East End Mine Action Group has concerns that this legislation could impact on it detrimentally. The EMOS that Cement Australia was to review with EEMAG in 2000 was overtaken by the EPOLA bill. It carried the EMOS forward. New information in regard to depletion was not included or not able to be considered in the review of the EMOS. The concern that has been raised with me is: will this legislation validate agreements currently being operated under by Cement Australia to the detriment of residents in that area?

I wish also to raise a matter in relation to general environmental impacts in the Targinni area. The Minister for Environment would be well aware of Southern Pacific Petroleum and the impact of its operation on residents in the Targinni area. The Yarwun-Targinni Fruit and Vegetable Growers Association has expressed concerns, as have a number of residents in that region, in relation to the acquisition by government of properties in the Targinni district. The acquisitions are not the prime responsibility of the Department of Environment. However, the monitoring of Southern Pacific Petroleum is the direct responsibility of the Department of Environment, particularly since February 2002 when the company moved from being under the administration of the Minister for Mines.

Many people in that area are unhappy with the impacts the company has had on their quality of life. As a result of the impacts of emissions on the district, this government made the decision to purchase further land to be included in the state development area. Representatives of the Yarwun-Targinie Fruit and Vegetable Growers Association have contacted in this instance the Minister for State Development just to reinforce their concerns in relation to the actions of the government's representative, the valuers HTW. The Minister for State Development has reinforced the actions of HTW. I want to put this on the record, because undergirding the activities of HTW is the fact that these landowners have been impacted environmentally and, on the basis of health and quality of life, the government is purchasing properties.

The argument has been put that 'it is incomprehensible that two valuers whose professional opinions of fair market value are expected to be impartial can consistently be so widely at variance regarding the same property, as has been the case at the majority of conferences held to date'. I table a copy of that correspondence for the parliament. There is a great deal of disquiet about the government's actions in relation to those property owners. They would still be living there had their quality of life not been affected detrimentally. They believe that the lack of action by the Department of Environment in many ways has created that disturbance. I seek leave to table that letter.

Leave granted.

Mrs LIZ CUNNINGHAM: The other matter that I wish to raise in this cognate debate has already been raised by previous speakers. I wish to place on the record my concern and support for Queensland Fruit and Vegetable Growers. I have spoken about Targinni. Adjoining Targinni is an area called Yarwun. Over past years both areas have been home to small fruit and vegetable growers—mangoes, paw paws, zucchinis and other vegetable crops. The concerns that have been expressed by Queensland Fruit and Vegetable Growers would be concerns reflected by growers in that area. The QFVG is asking as a minimum that in this legislation, the Environmental Legislation Amendment Bill, the third-party provisions component be decoupled and removed from the bill until the serious issues they raise can be resolved.

I believe they have written to the majority of members of parliament expressing their disquiet with this legislation. The proposed changes to the legislation would provide, according to the QFVG, extremely generous judicial standing to an individual or group to seek a declaration or enforcement order from the Planning and Environment Court regarding matters related to the Queensland Nature Conservation Act 1992. The implications of these proposed changes that are of concern to the fruit and vegetable industry are that fruit and vegetable growers who access damage mitigation permits to manage the impacts of wildlife in their crops would be open to frivolous and vexatious court action by third parties. There has been less activity in my region in relation to this issue. I think north Queensland has been in sharp focus over the past couple of years in relation to the impacts of bats and the ability of landowners to control fruit bats in their growing areas. But also in my region we have the opportunity for not only fruit bats but also other rodents to be a particular problem to growers.

This letter from the fruit and vegie growers indicates that they are concerned that third-party access could present obstacles to them that would be difficult to overcome. The second point they raise is that the Queensland Parks and Wildlife Service will be seriously exposed to third parties seeking judicial review and declarations regarding its administration of the act, including conservation plans and issuing authorities, licences or permits. The third point they are concerned about is that the provisions could lead to legal complications that would make the legislation unworkable.

It is my understanding, according to the explanatory notes, that consultation on this bill, the Environmental Legislation Amendment Bill 2003, was at best limited. The consultation, as noted in the explanatory notes, is that the provisions of the bill have been developed following over 12 months of consultation with government departments, the Queensland Conservation Council and the Environmental Defenders Office.

There is a significant group of stakeholders who have not been consulted with, according to the minister's own documentation, and that is the growers themselves who may be affected by this legislation and particularly by the third-party access provisions. The explanatory notes state that all stakeholders have indicated support for the proposed amendments. I have a great deal of regard for the Queensland Conservation Council and also for the Environmental Defenders Office. In previous areas of concern in my electorate I have spoken at some length with the Environmental Defenders Office and have high regard for their opinion and their activities. However, it seems ironic that consultation about a bill that can directly impact—and quite significantly impact—growers in quite a number of areas in this state sees those growers very significantly absent from the consultation chain. On that basis I believe the Queensland Fruit and Vegetable Growers' request that the third-party access be decoupled from the bill is not only a reasonable one but is the only course of action available to this chamber. They are a significant stakeholder in the matter and should be consulted, their concerns not only noted but acted upon, and some form of redress given to them so that they have some peace of mind on the issue of third-party action.

I believe that the minister is well intentioned. I believe the direction he intends to take is not necessarily malicious. However, I do believe that growers who will be quite significantly impacted by the legislation should be able to be accorded at least reasonable consultation and reasonable opportunity to have input into the legislation prior to its enactment. Therefore, I would be looking for that section of the legislation to be omitted from the decisions tonight and to give those fruit and vegetable growers ample opportunity to comment on the possible impacts on their industry. I look forward to the minister's response to the questions that I put to him. On the basis of his responses I will vote accordingly on the legislation.

Mr McNAMARA (Hervey Bay—ALP) (8.41 p.m.): I rise to support the Environmental Protection Legislation Amendment Bill and the Environmental Legislation Amendment Bill. In doing so, I would like to reaffirm this government's commitment to public safety and nature conservation. The bills include a number of necessary legislative changes that reinforce the government's ability to provide greater protection for people, particularly children, who visit national parks and other protected areas within Queensland. I would like to make a few comments in that regard.

Ms Keech interjected.

Mr McNAMARA: Fraser Island in particular is a family place and I would like to attend to that particular aspect. I welcome those comments from the member for Albert.

Approximately 13 million people visited a national park or other protected areas in Queensland last year. This government is committed to public safety in national parks and recreational areas, especially in relation to dangerous animals. This government is concerned about the risk posed by dangerous animals, such as dingoes on Fraser Island and crocodiles in north Queensland.

Current powers to make regulations under the Nature Conservation Act 1992 and the Recreation Areas Management Act 1988 do not refer specifically to children. This bill will ensure that the government has clear powers in the Nature Conservation Act and the Recreation Areas Management Act to make regulations to provide for children's safety in protected areas and recreation areas and in relation to any kind of dangerous animal. For example, risk assessments may show that there is a risk to children's safety if people are camping with children in a particular site within a recreational area or undertaking certain activities. The risk to children's safety may be avoided or considerably reduced by putting in place necessary restrictions on the camping or activities in that particular area.

These necessary legislative changes complement the Environmental Protection Agency's Be Dingo Aware campaign. This campaign comprises educational and engineering strategies to ensure that the public are protected from native animals on Fraser Island, which is in my electorate of Hervey Bay. The government is committed to proactively making designated camp sites and picnic areas safer. By fencing areas, installing food storage lockers, displaying warning signs and distributing information brochures and videos to the public through tourist operators, the government is ensuring that the public is able to enjoy national parks and recreational areas while allowing native animals to remain in their habitat and reducing the risks to the safety of people.

A recent review of the implementation of the Fraser Island Dingo Management Strategy showed that it is a world-class tool for wildlife management with all 82 recommended actions completed or in progress. Four new rangers have been appointed to specifically focus on dingo management, and fences, lighting, barbecue covers and food lockers have been installed in key locations. Scientific research is also under way to help us better understand the issues at hand. These initiatives demonstrate continual improvement in the management of national parks in relation to managing the interaction of people with dangerous animals to ensure people's safety. These amendments provide a further tool to ensure appropriate behaviour.

This bill ensures that the Beattie government will be able to do what is necessary to provide for the safety of our children in our national parks. I commend the bills to the House. I wish to particularly thank the minister for his deep personal interest and his activity over this term of parliament while I have been here. I know he has taken these matters very much to heart, and the tragedy which perhaps marked the beginning of this term with the awful death of Clinton Gage has motivated a number of legislative changes of which these are some. I thank the minister very much for his continual personal attention in this regard. I commend the bills to the House.

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (8.45 p.m.): I rise to make a contribution to the consideration of the environmental legislation bills currently before the House and to reinforce some comments that have been made by a number of other speakers on this side of the parliament during the debate that has already occurred on this bill. I will initially direct some comments to the activities of the Environmental Protection Authority and the Environmental Protection Agency and the decreasing role they are playing in the management of what used to be, or still is in some cases, state forest land in south-east Queensland and a broad area that has become known as the western hardwood region.

There is increasing concern that the Environmental Protection Agency, as the administrator of those considerable areas, is pursuing management options that will prove detrimental to that area in the long run. It hardly needs to be repeated—but it seems as though we always have to repeat this comment every time that we consider environmental legislation in this House—that there is a widespread acceptance and regard in the community for the environmental values of specific areas. Yet the management of those areas is being carried out or being proposed in some cases in a way which I believe, and many people with experience in those areas believe, will be detrimental.

The areas that used to be forestry areas in the south-east Queensland bioregion are currently in a transitional title which will see their future decided as the particular values of those areas are evaluated. What is causing increasing concern is the apparent intransigence of the decision makers in regard to the grazing leases that have existed over those particular areas for a long time. It is causing a great deal of concern not simply because it will have an economic impact on communities throughout south-east Queensland but because in practical terms it simply does not make any sense. In my opinion, but also in the opinion of experienced land managers who have generations of experience in managing those particular land areas, the exclusion of grazing leases from those forestry leases will produce a negative effect and allow a build-up of fuel that will become a fire hazard. We will then risk seeing the type of destruction from wildfires that unfortunately occurs all too often in southern states. We saw classic examples of that in Canberra and the southern alps region of Victoria and New South Wales. There we saw that areas that had been protected because of their special values and areas where stock had been excluded were damaged and destroyed in some cases, or had those particular values destroyed, simply because there had not been any sort of mechanism to control the build-up of fuel. Eventually, when the conditions are such that they lend themselves to the development of wildfires, these will occur.

When considering this environmental legislation, the minister and his department need to be very careful that the decisions that are taken do not prove to be, in the long term, detrimental to the values that most of the community hold dear and that he and his department are charged with protecting.

Within the legislation, I am concerned about the provisions that allow third parties to challenge and contest the issuing of permits and authorities by the department. There are a range of such instruments that could and most likely would be challenged by people who do not have a depth of knowledge on the subject. They probably have admirable motivations, but they do not have detailed knowledge or an understanding that the simplistic solution may not always be the best one. Indeed, in the long term, a simplistic solution may prove to be detrimental.

Other speakers in the debate have spoken at some length about representations made by the Queensland Fruit and Vegetable Growers in regard to damage mitigation permits. I certainly agree with and endorse the comments that have been made in that regard. Damage mitigation permits allow for the destruction of wildlife to prevent damage. When that has to be carried out, it is never a pleasant thing. It is not pleasant for the people who have to do it. It is certainly not pleasant for people who are removed from that situation but have to witness and deal with it. Unfortunately, it is a necessary thing, and it always will be a necessary thing. To a very great extent, it occurs as a consequence of an activity that is being carried out as well as a need to protect the environment.

It is quite often forgotten—indeed, I do not think that it is ever actually conceded by some in the debate—that the agricultural industries that seek to protect their product from wildlife also contribute in a very great measure to the proliferation of those species. I am familiar with large tracts of country where nothing would have been able to survive had it not been for the establishment of watering facilities which have allowed the proliferation of kangaroos and other wildlife. That is also true for a whole range of crops that are a food source for animals, whether it

be fodder crops and pasture crops for the bigger macropods or fruit crops for fruit bats and birds. They benefit enormously from those crops.

However, wildlife has to coexist and we have to find a way to allow that to happen. The boost that is provided to those natural populations by the very existence of that food source also has to be controlled in some measure. There has to be a method to allow those boosted numbers to be controlled so that they do not destroy the food source that sustains them. Damage mitigation permits are the mechanism that the department has put in place. They are a mechanism that I know some growers have difficulty with, but it is an administrative mechanism to control the situation. Unfortunately, this legislation appears to provide an avenue of challenge for third parties who have no connection with the situation but who see it from the safe distance of a completely different lifestyle. Those people are provided with an opportunity to challenge the instruments, to challenge the permits and to challenge the decisions of the department.

Apparently, that can be true for a whole of range of land management issues that the Environmental Protection Agency has authority over. It is conceivable and quite possible, from the way I read this legislation, that permits to burn will be able to be challenged by third-party groups or individuals, as well as the obvious damage mitigation permits that the fruit and vegetable growers have made representation about.

There are a whole range of other instruments where the arguments which they put forward and which have been supported by members of this parliament during the consideration of this bill apply equally. They apply equally to things like permits to burn and grazing permits. Will we see a situation where those types of instruments, which are issued by the department, can be challenged by a third party and be delayed by the necessary court processes that will be involved in resolving that challenge? And let us not forget all of the costs involved in that.

I certainly lend my support to the fruit and vegetable growers organisations in the representations that they have made to almost every member of this parliament. However, the problem affects a considerably wider group, and not just one industry. It extends into a whole range of areas across south-east Queensland that will be administered by the Environmental Protection Agency as the future of what were formerly state forests is decided in a more permanent manner.

An incident having occurred in the chamber—

Mr SEENEY: I am not sure what the parliamentary rules are about being tapped on the shoulder by members of the government.

Mr DEPUTY SPEAKER (Mr Mickel): I certainly know what they are, and they are most disorderly. I call the member for Callide and ask the member for Redlands to resume his seat.

Mr SEENEY: Thank you, Mr Deputy Speaker. The role of the Environmental Protection Agency in deciding the future of the western hardwood area, which I spoke about at the beginning of my contribution, is certainly going to be an important one. Fortunately or unfortunately, I represent an extensive area that will be impacted upon very directly by the decisions that the department will make. I believe it will be an important part of my role, if I continue in this role after the next election. If not, it will be an important part of the role of whoever the people elect as their representative.

Mr Wells: I hope you do. I wish you well.

Mr SEENEY: I thank the minister. While I would return the compliment to him, I would not return it to all of his colleagues, of course. I hope that there is something of a change in that regard.

Whoever is elected has the responsibility to put forward the arguments. Whoever becomes the minister responsible for this department has the responsibility to make these decisions. I hope that whoever that minister is, he or she will—as this minister has—make those decisions in conjunction with the other elected members of this parliament, taking into account the representations that are put forward by the other members of the parliament. We are talking about administering what is a public asset on behalf of the people of Queensland who elect us.

We will not always agree on those decisions, and I fear that we will not agree on all of the decisions that are made in regard to the western hardwood area and the management of those extensive areas of what was previously state forest. But it is critically important, I believe, that we maintain the ability to make those decisions in a way that we believe is in the best interests of the people who are most directly affected and on behalf of all Queenslanders.

These third-party provisions that provide the mechanisms to challenge those decisions of the department and the activities of the people involved in managing those areas I believe take away that right. They provide an opportunity for people to procrastinate and delay those decisions, and that is totally unacceptable. There is nothing in the explanatory notes or the minister's second reading speech that gives an indication as to why these particular provisions are included in the bill and for what sorts of situations it was anticipated these provisions were required. In practical terms, thinking about the decisions that this parliament has to make, and that the minister—whoever it is—has to make in regard to those extensive areas both in the south-east Queensland bioregion and in the western hardwood region, considering the decisions that are ahead of us, these provisions are particularly dangerous.

They are particularly dangerous in regard to the types of scenarios that they can create. There will be considerable debate and considerable argument about the management of those areas. There is no doubt about that. There is going to be considerable debate about things like grazing permits and the fire management that is required for those areas. That debate will not be easy. It will be conducted across a range of different philosophical viewpoints from people who, on the one hand, know and understand that country intimately and know and understand its management over a long period of time and, on the other hand, people who look at it from a completely different viewpoint and who have completely different aims and aspirations for it.

It will be important that that debate can be had in a sensible, logical manner. It is going to be important that those decisions are made in a sensible, logical way, although that may be a little optimistic. They are certainly important decisions for the individuals who are involved. They are important decisions for the communities that those individuals are a part of. But, most importantly, they are important decisions for the land itself—for the environmental values that everyone seeks to protect.

As I said at the start of this contribution, everyone who understands that area understands the potential for those decisions—if they are allowed to be made on an emotive basis—to provide the completely opposite result to the one that is intended. I do not believe that difficult process that is ahead of us needs to be overlaid with this provision that will allow third-party individuals to challenge the decisions that are made by the minister and to tie that whole process up in litigation for considerable periods of time. As the Leader of the Opposition indicated, unless there are some detailed explanations about those provisions and why they are required, I expect we will oppose those clauses of the legislation.

There is an amendment that the minister has provided recently regarding—

Mr Reeves: This is the longest five minutes I have ever heard.

Mr SEENEY: Are you in a hurry to go home or something?

Mr Reeves: No, mate, never.

Mr SEENEY: There is an amendment that the minister has circulated and for which he has provided an explanation. I do not think the opposition will have any problems with it. We will be happy to provide support for its passage through the House but we will deal with that when we get to the committee stage.

I would commend to the House the provisions of the legislation that deal with the dingo situation on Fraser Island. I echo the comments made by other members of this House: any move that ensures the safety of children in those situations is one that needs to be applauded, but that too needs to be managed in a practical, logical way rather than from an emotive, philosophically driven basis. The provisions in the legislation are probably heading in the right direction.

Time expired.

Mr CUMMINS (Kawana—ALP) (9.06 p.m.): I am very happy to contribute to the Environmental Protection Legislation Amendment Bill and the Environmental Legislation Amendment Bill 2003. I acknowledge that the Environmental Legislation Amendment Bill 2003 continues our government's commitment to nature conservation and effective environmental legislation right across Queensland. The amendments will update, strengthen and clarify existing provisions in the Nature Conservation Act 1992.

I would like to thank the minister for his numerous visits over the past couple of years to the Sunshine Coast, one of which we were immensely pleased with earlier this year, with the announcement that the Environmental Protection Agency made payments totalling \$850,000 to

a Sunshine Coast council—the Maroochy council—for which in return it will transfer two parcels of land into state ownership in addition to protected area estates. The land is bounded on three sides, and I am talking about one parcel which was 55 hectares which will be added to the Mooloolah River National Park. The area is bounded on three sides by the Mooloolah River and shares its other boundary with the national park. The site retains all of its natural vegetation. The area represents an area of high conservation value within a region of rapid urban encroachment—one of the fastest growing areas in the state and indeed Australia, that being the Sunshine Coast.

The low-lying parts of this site are heavily vegetated with paperbark forest, mangroves and associated saline communities. The north-western corner of the site features coastal lowland scribbly gum—a vegetation type that historically has been subject to high rates of clearing within our locality. There was another acquisition of approximately 397 hectares of freehold land near Coolum Creek. Placing both these lands in community ownership is a real win for our local community and indeed the environment. We are now providing buffers against rapidly expanding development and protecting some of the few remaining coastal lowlands in South-East Asia. It will create an important green space in coastal wetland regions that are under a very strong threat from urban growth.

I would also like to briefly outline my thanks on behalf of the Sunshine Coast community to the minister and his department for a recent event. On Sunday, 19 October we were very pleased to be able to host the minister at Currimundi Lake, where we renamed what was formerly the Currimundi Lake Conservation Park the Kathleen McArthur Park. Kathleen McArthur was a tireless worker for conservation on the Sunshine Coast, and I know the member for Caloundra has spoken about her in this House before, as many other members would be very much aware. It was a great day for both Currimundi and the entire Sunshine Coast. So I do thank the minister. We had a great wildflower walk through this conservation park.

The local councillor up there was a former federal member with the minister in a previous life, Councillor Elaine Darling. She continues to work tirelessly to lobby the federal government over unexploded ordnances, or UXO clearing. It is a major concern to the Sunshine Coast community that the federal government still has not come to the party to work in a positive way to identify these unexploded ordnances and clear them out and make our communities much safer. I commend Councillor Elaine Darling who, over the years, has been a great friend.

I would also like to mention the Environment Minister, who is in the House. I want to thank him for assisting me in ensuring that the state government Environmental Protection Agency has higher quality controls through an updated development approval for the Kawana and Landsborough sewerage treatment plants. This development approval incorporated the requested measures that will avert the need for discharge to the Mooloolah River, something the minister knows I have been very passionate about. Rivers are our lifeblood and the lifeblood of the environment.

We upped the ante on Caloundra council. I knew that Caloundra council could play a part because I had been there for four years. By ensuring that we made the restrictions higher, it allowed for the reuse of council's effluent by third parties to irrigate certain areas, excluding those for human crops. Specifically the development approval requirements included the installation of a four megalitre capacity overflow storage tank and the blocking of the discharge pipe into the Mooloolah River, which can only be unlocked in an extreme emergency situation. Of course, the state government must be notified of such incidents.

The sewerage outfall to the Mooloolah River has not been used since July 1999. I will make sure that we try and keep this in place because millions of litres were being pumped into the Mooloolah River in storm surges and the like. Sadly, Caloundra council had allowed the treatment plant to run down. There is no excuse for that because councils make millions of dollars out of their water and sewerage treatment. In Caloundra council we combined the water and sewerage into a company called CALAQUA, a commercial entity. They transfer millions of dollars each year—between \$3 million and \$5 million—from the profits they make out of water and sewerage into the general fund. It is great if it can make that money. Over the years all companies have put up the price of water. People are happy to pay a higher amount for water because it is a precious resource. That cost is supposed to ensure that people do not waste the water. People sometimes pay upwards of \$100 a year for the use of their water. A lot of this profit is acknowledged by the councils and utilised.

Councils have to get their priorities right in ensuring sewerage treatment is of the highest quality. Healthy waterways are essential for the biodiversity of water life which, sadly, brings me to a negative situation on the Sunshine Coast with the recent report cards. Maroochy River received a D plus. There were only two rivers in the south-east that received a worse score. A lot of the problem comes from Maroochy Water, which again is a commercial identity under the Maroochy Shire Council. The sewerage treatment plants, the STPs, have regularly been exceeding the discharge guidelines set out by the EPA licence. These breaches have led to a higher than normal nitrogen level in the middle reaches of the river. It has been reported that more than the equivalent of 32 Olympic swimming pools of treated effluent is how much Maroochy council has exceeded in its daily discharge.

This example puts into context the controversy over the performance of the Maroochy sewerage treatment plant and its effect on the river's health. Under the licence with the EPA the plant is allowed to pump the equivalent of 19 Olympic swimming pools full of treated effluent into the river every day. That is 25 million litres of treated waste. That treated waste has gone through an advanced secondary treatment process incorporating nutrient reduction and UV disinfection. But on 15 May this year an incredible 53 Olympic pools—68.2 million litres—was pumped into the river via the plant's underwater release pipe off the northern shore of Maroochy River near the junction of Oyster Bank Road and Godfreys Avenue.

For more than two years the council has been aware that it has had a major problem with the effluent going into the Maroochy River from its own treatment plant. We also have thousands of failing septic tanks. It really is a council issue. Sunshine Coast residents are appalled. I quote from one letter from a resident of Bli Bli—

Now after years of failing to listen to the warnings, or to adequately plan for population growth, councils are waking up to the fact that our rivers are suffering from our impact on them.

It is time to stop the politicking and the point scoring and get on with what needs to be done to restore our rivers to good health and keep them that way.

At the rate our population is tipped to grow, planning sewerage treatment plant upgrades two years down the track is just a catch-up measure.

It is time for action, residents and ratepayers don't want to be fed more promises, promises over the next four months leading up to the election, we want, and our river needs, action NOW!

I fully agree with that. It is up to the Maroochy council, who have told me that they also transfer millions of dollars across from the Maroochy water fund. I acknowledge that the member for Maroochy and her father before her have held the seat for two decades. I do not know what has been done, but in this term I lobbied the minister hard to lift the standard of the discharge requirements for the Mooloolah River. We have to have a look at the Maroochy River and how Maroochy council continues to abuse this fine asset. We are increasing in population and the pressure is growing on these vital areas.

It would be remiss of me not to mention some great work being done upstream by the Martin's Creek Headwaters Action Group. Tom Rickards, who is a good acquaintance of mine and he is a great bloke, and this community group are a bunch of grey volunteers, as they call themselves. They are a community group of Buderim residents vitally interested and working towards the rehabilitation of the Martin's Creek headwaters and its environment. The Martin's Creek Headwaters Action Group is composed entirely of volunteers from the Buderim community with a steering committee of ten local residents. Manual labour for work programs is provided by volunteers from the Buderim community and beyond. They have accepted the challenge associated with the rehabilitation of the Martin's Creek headwaters in Buderim, which has been sadly neglected for some years. Martin's Creek headwaters is located in the Maroochy shire creek reserve land and council parkland. This group will carry out the full restoration of the creek and surrounds for 950 metres in the very heart of Buderim.

In closing, I would again like to make the point that Sunshine Coast residents are very keen to see improvements to our environment. I thank the minister, who has been a regular visitor to the Sunshine Coast. As each year goes on, we need to continue to ensure improvements to our environment because, as they say in fishing, we cannot destroy what we have come here to enjoy. It would be a great legacy if we could leave to our children and our children's children improvements to the environment. Hopefully we can improve the quality of the discharge of sewerage and the like. Hopefully it will be improvements that will be appreciated by our community.

I commend the minister and his department. I thank him for the great assistance that he has been over this term of parliament. I am very proud to support the bills before the House.

Mrs PRATT (Nanango—Ind) (9.19 p.m.): I rise to participate in the cognate debate on the Environmental Protection Legislation Amendment Bill 2003 and the Environmental Legislation Amendment Bill 2003. The aim of the legislation is to reduce red tape over environmental issues. This is very welcome, because the whole environmental issue has become very confusing for many people and recent environmental related legislation passed in this House has further confused the issue, especially those related to developmental approvals, registration and approvals under the integrated development assessment system, or IDAS.

Any move by the government to simplify the requirements currently duplicated under the approval process promises, according to the minister, to produce cost savings to both the administering authorities and the industries concerned, and I hope with all my heart that that is correct and will occur. If, as the minister also says, the legislation will facilitate business opportunities by reducing processing delays while still protecting Queensland's legislation, then that is also a commendable aim of the legislation. However, if the codes for this legislation are to be developed with key stakeholders—government, peak industry and community representatives—as it has in the past, that causes me some concern as to exactly who the government is talking to.

In the past the government has continually claimed that there has been consultation when it has formulated several key pieces of legislation, especially with regard to water usage and land care. Unfortunately, many individuals who own land suffer because due consideration is not given to the individuals themselves—that is, those affected by the legislation or regulations that are imposed. Members would have possibly seen the case of Henry Brockhurst, a 94-year-old bachelor who lives by himself in a little old hut with no electricity as he has done for a long time on his 1,000 acres. This 94-year-old man, who has preserved his land, is to have two of his water licences removed. Anybody on the land knows full well that waterless country becomes valueless. Nobody wants it because nobody can use it.

The reason these water leases are being taken off him is to preserve the country. The country to be preserved is land that he has never touched. He has not cleared it; he has not done anything to it. On his behalf—and I have written to the Premier about this—I would ask the minister and the Premier to get together to allow this 94-year-old man to live out his days on his property with his water leases. It is not like they are going to have to wait a long time. They could be more generous to let an old man—who has served this country well in the past and who has not taken a penny from the government in any way, shape or form—to live out his days without this worry. If half of the members in this chamber had the courage that this gentleman has, then Queensland would be well on the way to being the—

A government member: The Smart State.

Mrs PRATT: The greatest state. I will not say the smartest, because we are not, but it could be the greatest state this country has.

From experience, the bodies that are consulted are some key stakeholders or some individuals, but they are a very select few. What guarantee can the minister give that a true and broad policy will be implemented with input from all key stakeholders, not just the ones that the government deems fit—that is, those who will support its policies? The government says that it has undertaken community consultation, but many affected people I talk to have never been asked. The key bodies that supposedly represent them have never gone out and asked those people how they feel about certain legislation. It is deemed that they understand what the community wants, but that is not the case. There is not a single member in this House who can honestly say that they know exactly what the next person in their community who is subject to any form of legislation actually thinks without asking them. The truth is that what works on paper often does not work in practice. When it comes to environmental issues, one proposal just does not fit all. It is commendable that we do the utmost to protect the environment, but we must be wary that there are individuals involved, and individual concerns must be taken into consideration.

I am concerned about the third-party involvement. People view things in many different ways. To use the greenies as an example, I have been in many a stoush with the greenies over time. Many of them do not realise or do not accept the fact that, because man has grown his wheat pastures and everything else, the kangaroo and bird populations are in fact the highest they have ever been in history. We cannot stop animals multiplying. The more we grow crops, the more they

will multiply. As in the case of sheep, during the good season there are many multiple births. There are more multiple animal births if the seasons are good and food is plentiful. If there is a drought, the roos will not multiply. They hold their joeys back until the season is good again. We know that if we keep growing food they will keep multiplying, so there have to be some controls.

I do not know how many members have been out west, but when the wheat crops are big they are harvested and covered with huge pads made up of layers of plastic because of the cockatoos and galahs, which can devastate a crop in no time at all. They will pick through the covers protecting the wheat. That lets the rain in which in turn destroys the crop. So there has to be some sort of controls. I am not saying that we should kill every living thing, because that would be downright ridiculous. I am a carer. I take in kangaroos and raise them and let them go. I take in owls and anything that needs assistance. So I know the value of them and appreciate them, but I also know the damage that they can cause and the reality of the situation. I have even had Internet brawls with Cherie Blair over kangaroos. Her input to the many conversations we have had and her knowledge of the animals of Australia comes from her friend based in the middle of Sydney who sends her brochures about the cute little faces of the animals. They are cute. We all are touched by their gorgeous faces, but we must never forget the reality of the situation: in plague proportions, animals can do a lot of damage.

In the past many of these so-called key industry and community representatives have had vested interests in water resource management and land clearing. The explanatory notes state that the policy objective is to achieve better environmental outcomes, and no-one would argue with that. What we can argue with is the way it is done. I know I want a better country for my children, and water is the prime commodity that we have to preserve. We all know that. There is not a single person in this room who does not know that. Because of the lessening rainfall and the climatic conditions, people in my electorate are putting in more water tanks simply because we know that, firstly, water is not going to be plentiful in due course and, secondly, the price is going to go through the roof. But every megalitre that a town does not use is one megalitre that can remain within the environment, and that has to be a really good thing.

For many rural land-holders, the Environmental Protection Act is already a burden. It imposes on them an unmanageable onus to not only comply with it but also to incur great expense. The development of contaminated land is also a huge issue and one that needs to be addressed. Many of these issues appear not to be understood by departmental officers in rural areas when formulating policy. Maybe that is why they do not seek really broad input and consultation. Perhaps that is intentional. I would hate to think it was. I hope it is out of ignorance that they just do not understand and therefore they do not canvass opinions widely enough. Unfortunately, I believe there is some intention not to get the full story.

I am still concerned about grazing permits. As has happened in the past, a lot of those are not being reviewed. Having been brought up in the country and having seen the effects of the revocation of grazing permits, I know that the change in the country is amazing. The rubbish that builds up once grazing permits have been terminated is horrendous. That happens in a very short time, because our native trees shed pretty quickly every year. Within two years I have seen in forests and bush the discarded bark over head height. I know I am not very tall, but it is still over my head. Weeds grow over it and smother any undergrowth, which dies back. It gets worse and worse. To me, that is environmental vandalism. That is the sort of vandalism that I believe this government has in the past perpetuated.

This also comes back to the question: will the government also comply with this system of environmental compliance to keep these lands under control? Farmers abutting government land continue to tell me all about the weeds and so on that come across their fence lines. They also talk about the animal pests. The level of damage is amazing. Some people look at their boundary fences and worry about the fire conditions; those who should be maintaining firebreaks do not do so. They might believe that it is not the right time, that the general conditions are too dangerous. We can understand that. But it should be done earlier. I lived next to a forest in New South Wales for a long, long time. The burn-offs were always done in the winter, when there was heavy moisture in the air. It was always a controlled burn. Unfortunately, we often hear that controlled burns nowadays are causing major damage.

Mr HOPPER: I rise to a point of order. Madam Deputy Speaker, I draw your attention to the state of the chamber.

Quorum formed.

Mrs PRATT: There is not a single person in this House or in the outside world who does not want to see a better world, does not want to see the environment protected and does not want to crack down on anyone who wants to damage that environment. But the truth is that everybody who brings forth this legislation must understand that there are people involved. They must know something about it. It cannot be understood just by driving through the countryside. If they do not, they should go out there and sit around with a cup of tea. There is not a single person who would not be willing to tell the minister exactly what it is like out there.

A third person in the middle of Sydney, Canberra or Brisbane in some high-rise sprouting a view they know absolutely nothing about irritates people on the land more than anything else. If people want to learn, the rural sector is quite happy to teach them, educate them and accommodate them when they themselves have been treated as intelligent individuals and approached as such, not just dictated to: 'You're going to do this', 'We're going to take this off you', 'You must never do that or you will pay the price for it.' That is not fair. This must be addressed in a realistic and very communicative and conciliatory way.

This legislation is aimed at helping the industry and individuals and I have to support it, provided that the average person affected has participation in establishing the codes, not just the bureaucrats. The explanatory notes state that the development of a peripheral decision is removed from activities that are subject to a code, and conditions associated with the code cannot be varied. Again, we have been told that to ensure that operators' rights and interests are represented the development of standard environmental conditions and the associated code will involve a significant stakeholder engagement program. Please let that be true. But I ask: at what cost to the land-holder? What price will they be asked to pay? When the government does all these things and reduces their land to being worthless because they have no water or because it is impossible to grow a crop, will the government then give them just compensation? I doubt that would be the case.

If the stakeholders themselves are involved in this and if they are accepting of it, I, too, am quite happy to support this legislation. However, at this point it has not been proven that that is the case and, therefore, I do support it, but I do also have reservations about the entire legislation.

Ms BOYLE (Cairns—ALP) (9.37 p.m.): I am pleased to support the bills in this cognate debate and wish to make some comments in respect of the Environmental Legislation Amendment Bill 2003. This bill includes a number of necessary legislative changes that provide for greater clarity about the operation of the Nature Conservation Act 1992. Importantly, this bill will also ensure greater protection for all national parks, including the species for which they provide habitat.

Since its inception in 1999, the Environmental Protection Agency has made real progress in preserving areas of natural and cultural significance, namely, Queensland's national parks. Well over seven million hectares of Queensland is either national park or protected area. It is important for the government to make these legislative changes in order to protect Queensland's natural habitat.

I applaud the government for its ongoing protection of national parks. Recently the government has committed \$10.1 million for capital works on national parks, forests and other protected areas, and dedicated a further \$500,000 to improve facilities in the Cape York Peninsula national parks to cater for increased tourist numbers. This initiative will boost tourism, making Queensland an attractive tourist destination for many overseas visitors and particularly for Cairns from where many visitors to the cape depart.

The government has employed a further 140 rangers throughout the state to protect our national parks and forests. We have undertaken major additions to protected areas, including 5,300 hectares of conservation park on Curtis Island north of Gladstone. We have allocated \$1.1 million to maintain and protect Carnarvon National Park. We have improved the access to the Venman Bushland National Park in Brisbane to protect the park's original charm, and we have undertaken a sustainable parks initiative, the first ever in Australia, where substantial improvements in park sustainability are achieved by smarter design to improve the way energy, water and waste are managed in national parks.

The Nature Conservation Act 1992 provides the capacity to authorise certain limited uses of national parks which are contrary to the relevant management principles. However, such authorities cannot be granted unless strict criteria are satisfied. Such criteria include that the use

must be in the public interest and there must be no practicable alternative. An example would be a radio communications tower which was critical for public safety and where the only suitable elevated land was on a national park. This use is inconsistent with the management principles of a national park, but its installation is in the public interest and there is no reasonably practicable alternative.

The original intent of this provision was to enable authorisation of facilities that were required for an essential public purpose. Some development proponents have attempted to broaden the scope of this provision by arguing that private enterprises in national parks are in the public interest whether or not they deliver essential community services. I would like to comment on this element of the bill as it is very much a matter of some current debate between those concerned about the natural environment in far-north Queensland and those others who are engaged in very worthy tourism enterprises that do impact—take visitors to—areas of environmental significance.

It is the view of many of us in Cairns in the industry, as well as in the environmental movement, that the ideal is a working arrangement whereby in the public interest and in the interest of tourists and visitors to these precious areas the public sector and the private sector should work closely together. Nonetheless, it is right and proper, and I have no doubt the tourism industry would agree, that it is the government's responsibility to ensure that standards are met, that the private sector is not given unbridled access to facilities and enterprises within national parks areas. An amendment is required to clarify the scope of the permitted uses to which the section applies to reflect the original intent that such uses are restricted to facilities required for an essential public purpose, mainly in the areas of communication, safety, water and energy supply.

I am confident that this bill will be well received by communities throughout the state, including the people in Cairns and far-north Queensland. I would like to take a moment to recognise the tremendous efforts of the Beattie government through our Minister for Environment on a number of environmental issues of great significance in far-north Queensland. Not least amongst these is the protection of the Great Barrier Reef. The Great Barrier Reef, as all members would understand, is under threat from all kinds of impacts, mostly human impacts. We have taken action towards minimising the effects of run-off, and these actions will continue in the life of this government and, should we be re-elected, in the life of the next government. We have funded programs for the removal of crown of thorns in targeted areas that are high visitation areas for tourists. I hope that we will continue this important program.

There are many other things we have done that have contributed significantly not only to the integrity of the environment but also to its enjoyment by locals and tourists alike in the Cairns area. The protection and the rehabilitation of the lands known as East Trinity opposite the city of Cairns are one fine example. The tremendously good work done by our staff in the Wet Tropics Management Authority is another fine example.

Tourism in protected areas can indeed be managed well so long as standards are set by the government of the day. In fact, this government, through this legislation before us tonight and through other action, has set those appropriate standards. I congratulate the minister on bringing the bill to the House. I acknowledge the minister and his department for the good work in relation to ongoing reforms with regard to the environment. I note, too, that the minister will be visiting Cairns next weekend for various important events, including the Cassowary Awards, and I note that the minister will again be visiting Cairns and the far north only a week or so later with regard to the release of good news in terms of the management of Green Island, a very precious part of my electorate, albeit a very small part of my electorate. I do commend the bills to the House.

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (9.44 p.m.), in reply: May I begin by thanking all honourable members who have taken part in the debate. In the case of each and every member who spoke, I acknowledge that the commitment that they expressed to environmental issues was a genuine one. However, I might choose to differ from some of the honourable members on the other side of the House in respect of detail. Nevertheless, I acknowledge the overall commitment of all members of this House to environmental issues.

I am not going to try to respond to every critical comment that was made by honourable members on the other side of the House in the second reading debate because, were I to do so, it might become tedious. It was enough to mention it once, and perhaps even that was superfluous. Let me just address three of the issues that were raised by honourable members on the other side of the House.

First of all, the honourable member for Keppel raised the issue of dingo management on Fraser Island. I would like to point out, as the honourable member for Hervey Bay did, that the dingo management plan has been fully implemented on Fraser Island. The new provision which we are introducing will give Executive Council the capacity to bring down a regulation that will enable a ranger to tell somebody that they must not engage in certain behaviour, such as camping on a beach on Fraser Island, and is something which goes beyond the recommendations of the dingo management plan. It was something, frankly, which I wanted to implement because I wanted to have that additional capacity to protect people in the circumstances of the aftermath of the tragic and awful death of Clinton Gage. That is why that is here now. It is not, as the honourable member for Keppel apparently thought, part of the dingo management plan that is coming a bit later than the rest. No, that has already been fulfilled or is being fulfilled. It is something additional. I think it is a good idea to have up our sleeve. At the moment people have been extremely cooperative with the rangers. They have observed those recommendations that the rangers have made. Should that not occur, it is desirable that the rangers have the capacity to make sure that human life is preserved in these circumstances.

I would like to refer to the matter that the honourable member for Tablelands mentioned. I must say that she seemed to be conflating a number of different ideas. She seemed to think that we were giving ourselves additional powers to prevent pollution and that these additional powers would involve more red tape and that they had something to do with third-party declarations. This is not quite right. We do not appropriate additional powers to enforce pollution regulations by this legislation. However, we target them more precisely and we reduce the amount of red tape that people who are engaging in an environmentally relevant activity have to go through.

An environmentally relevant activity is an activity which is not, as the honourable member for Tablelands thought, particularly relevant to farmers. It is most usually relevant to urban industrial or mining situations. Those environmentally relevant activities can be licensed. In order to get that licence, at the moment people usually have to go through up to eight different applications. We are reducing it to one. We are actually reducing the amount of red tape. However, this does not go with a reduction in enforcement. I make absolutely no apologies for the fact that we enforce the laws against pollution here in Queensland. We are leaders in Australia in terms of the enforcement of pollution laws.

It gives me no joy to see anybody lose their liberty, but the loss of liberty has to be the ultimate sanction of the law. A number of people have lost their liberty over wilful acts of pollution. I make no apology for that. I make no apology for the fact that my department prosecutes polluters when they are unwilling to comply with polite requests to cease their pollution.

We have a record of prosecution of pollution in this state that is second to none. My department has never brought a prosecution that has not led to a conviction. That is a situation of which we can be proud, because this government is committed to getting a cleaner Queensland. At the end of this term of office, Moreton Bay has cleaner water quality than it had at the beginning of this term of the Beattie Labor government. That is not because we were shrinking violets and were unwilling to wield the big stick when the big stick needed to be wielded.

On the other hand, education and prevention is much better than enforcement. We do that as much as we possibly can. I assure the honourable member for Tablelands that all is well, and that we are reducing red tape and not increasing it. I assure her and I assure One Nation—generally speaking, One Nation would like to know this—that I am from the Beattie Labor government, you can trust me and we are not increasing red tape with this measure. I would like to assure One Nation that we did not consult with the Club of Rome before we did this. We did not consult with the Fabian Society. This is not an international conspiracy. In part, it is not because the rest of the world is behind us. We are more advanced in pollution control than the rest of the world.

I come to the nub of the opposition's concerns with respect to this bill. I thank the National Party members for their general support for the bill. I thank them for their support for the general provisions of the bill during the second reading debate. I will now address in some detail their concerns with respect to the third-party standing provisions and, firstly, their concerns relating to consultation.

This bill was put on the table of the House in August this year. It was available on the EPA web site from that time. In October, the farming lobby groups were contacted by e-mail and by telephone. In the course of that contact, third-party standing provisions were referred to. A meeting was offered to those groups. My departmental officers indicated that they were available

at any time during that month of October. That meeting did not occur. Presumably, the groups concerned had other matters that they had to attend to, as we all do. They were able to make a meeting some time last week. It was at that meeting last week, after the bill had been lying on the table for a couple of months, that they started to express a concern. For the first time—

Mr Seeney: Why didn't you consult them when you were drawing it up?

Mr WELLS: As I indicated to the honourable member, they were consulted. They were invited to a meeting in October and at that meeting third-party standing provisions were referred to.

Mr Seeney: Why didn't you consult them during the preparation of the bill?

Mr WELLS: I do not know why the honourable member says that, because it has been some years since the Australian Law Reform Commission recommended third-party standing provisions. That was in the year 2000. At that stage my predecessor indicated that we would be gradually applying these third-party standing provisions. We applied them in the Environmental Protection Act. They were applied in the Integrated Planning Act. They were applied in the Commonwealth Environmental Protection and Biodiversity Conservation Act.

Since they have been in the Environmental Protection and Biodiversity Conservation Act of the Commonwealth, there has been only one successful case brought under those third-party standing provisions. They have been in the Environmental Protection Act now for some considerable time and only three cases have been brought. They do not lead to an opening of the flood gates. The reason that they do not lead to an opening of the flood gates is multifarious.

One strand of that reason is this: people do not bring court actions lightly. Third parties do not enter into litigation lightly. The costs involved are considerable. One does not go in and do it on a whim. Secondly, the courts take a very dim view of intermeddlers, which is the legal term. They do not like people who come in and, for no good reason, start trying to assert their additional rights. Also, people generally behave responsibly. Nobody is going to gratuitously ruin their reputation by seeking to be a third-party intervener in a case that really has no legs and in respect of which they have no place.

Indeed, what this legislation does is simply gives legislative force to an existing common law right. That common law right is the right to seek a fiat of the Attorney-General. This does not give anybody any powers that they could not successfully get under common law if they went about it by applying for the exercise of a fiat. What it does is to give legislative force to the right of third parties to intervene and, therefore, regularises it and makes it a legislated and vested right of the people. By doing that, it makes our system more democratic and more transparent.

After all, let us consider the results of a third-party standing intervention. It is going to fail unless the person against whom the action is brought is in breach of the law. That is the nub of the whole thing. Unless the person is in breach of the law, the third-party intervention is not going to be successful. Who would you be protecting if you were opposing third-party standing? You would be protecting those who were in breach of the law. Who would you be assisting if you were in favour of third-party standing? Those who vigilantly wanted to see the laws of Queensland enforced. Now, I ask honourable members opposite: are they seriously going to stand against the laws of Queensland? What is so bad about the laws of Queensland that they do not want members of the public to be able to enforce those laws?

There is a passing inconsistency in any position that says: as a member of parliament I am here to vote for these laws of Queensland and, having passed those laws, being a little bit coy and shy about a procedure that will ensure that those laws are enforced. Is the opposition now going to take a stand against law and order? Is law and order okay if it is appropriate in one—

Mr Seeney: You are taking it a bit wide.

Mr WELLS: I understand that that is a constructive criticism from the honourable member opposite.

Mr Seeney: Just come back onto a reasonable argument.

Mr WELLS: I suggest to the honourable member that, now he has mastered sarcasm, he should move on to wit.

This is a question of the laws of Queensland. The case that the opposition was disconcerted about, the case that Carol Booth brought, was brought under the Environmental Protection and Biodiversity Conservation Act. That case was successful not because there was a damage

mitigation permit or that there was not a damage mitigation permit. It did not have anything to do with the damage mitigation permit. It had to do with the fact that there was a killing of much larger numbers of flying foxes than were allowed for by the damage mitigation permit.

This is about the laws of Queensland. I urge honourable members to support the laws that they themselves have enacted by enabling third-party standing provisions to be implemented.

Committee

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) in charge of the bills.

Environmental Protection Legislation Amendment Bill

Clauses 1 to 56, as read, agreed to.

Schedule, as read, agreed to.

Environmental Legislation Amendment Bill

Clause 1, as read, agreed to.

Clause 2—

Mr WELLS (10.02 p.m.): I move the following amendment—

1 Clause 2—

At page 6, lines 7 to 9—

omit, insert—

'This Act commences on a day to be fixed by proclamation.'

This amendment just puts in the routine language for the commencement. I table the explanatory notes which have been circulated.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 18, as read, agreed to.

Clause 19—

Mr ROWELL (10.02 p.m.): Clause 19 amends section 36—'Authorities for new national park or national park (recovery)'. What I would like is some explanation of what is intended as far as new national parks are concerned. Are these areas of forestry lease that the minister is proposing to take into national parks? If they are, I am concerned about this proposal. What I have experienced as far as forestry leases are concerned where cattle are grazing is that there is the ability—and I think the Leader of the Opposition raised this issue earlier—for cattle to graze in these forestry leases that may be taken away from them—I am almost certain they will be taken away from them—if they become a new national park.

I can cite the example of the mahogany glider, where the fuel load has been reduced to the extent that it has been beneficial as far as the gliders are concerned in the event of a fire going through. What is actually happening is the fuel load is being reduced and, as a consequence, the future of the mahogany glider—and I am just using this as an example; I am sure there are other examples—is dependent very much on the reduction of the fuel load in a forestry lease that may become a new national park.

I think this is particularly relevant if there is an intention to include new national parks. In recent times the government has included a number of new national parks. If this is giving the authority to do that with reasonable impunity, without too much problem, I would be very concerned about it. Could the minister please comment on that?

Mr WELLS: The government never does anything with impunity. This is not a provision which enacts anything as a national park. This is a provision which relates to a process for something becoming a national park. Whenever something becomes a national park there is always a prolonged, extensive consultation period which precedes it—usually over a period of years.

Clause 19, as read, agreed to.

Clauses 20 to 22, as read, agreed to.

Clause 23—

Mr SPRINGBORG (10.06 p.m.): I listened with interest to what the minister had to say on the third-party declaratory and enforcement provisions which exist under this bill. Whilst he made a defence, I am not totally convinced by what he has put forward to the House tonight. Our concern still exists that there was not proactive consultation with the farming groups—the particular stakeholder groups which could potentially be most affected by this, and certainly the ones which have raised most of the concerns.

The minister indicated that they were certainly sent some information in October this year, some two months after the bill was tabled in the parliament. That to me in no way indicates that these groups who have raised the most concerns have had any involvement whatsoever in any sort of consultation in the drafting of the bill and also allaying their particular concerns at that stage. It seems to me that by doing what the minister has done it is a fait accompli—that is, they have introduced this bill into parliament and they are now going to tell us about it. Does that mean that these people have been able to influence the provisions of this bill which may cause them some offence or some concern? I would contend that they have not. They really have not had any meaningful process of consultation whatsoever.

As I said earlier in my speech, they are not necessarily overtly opposed to what the government is seeking to do but they do have some concerns. I believe those concerns are legitimate—that is, they believe it may be frivolously or vexatiously used in some way. That is possible. There is no doubt about that. It is also true—and I have some understanding for this contention—that this form of legal intention may be a bit costly and may act as some form of a deterrent, but that does not mean it will be a deterrent in all cases.

What is the difference between providing these third parties with the opportunity to achieve a declaration in their own right by going to the court and what would currently exist by such a person going to the Attorney-General and asking the Attorney-General for an exercise of the Attorney-General's fiat? I would say to honourable members that the exercise of the fiat which the Attorney-General has at his or her discretion is a somewhat more complex and judiciously used application than what would be involved if a person wants to use a third-party declaratory process.

I am not aware of too many cases where the Attorney has exercised his fiat. I use the term 'his' because we currently have a male Attorney. I remember Mr Sharples used to write to me and write to the former Attorney-General over and over and over again asking for the Attorney to use his fiat. I thought, 'Well, what hope has he got?' The Attorney did not exercise that. He went off to the court himself, and the rest is history. There is this particular vetting process that exists with regard to the exercise of the fiat discretion which the Attorney has. It has an inbuilt barrier, I suppose, and that acts as a filter. If there is a broader declaratory process which exists in legislation, there is no way of filtering that. I do not necessarily believe that there is a great similarity.

The minister also said that the Law Reform Commission reported a decade ago or thereabouts the need to go towards these third-party declaratory provisions or enforcement provisions for the enforcement of the statutes or the laws of the state. He alluded to the fact that maybe the QFF, the QFVG and others should have been aware of this and should have been considering that. Like me, the QFVG, the Queensland Farmers Federation and others would not be sitting there and looking at all of the possible machinations which may come from that particular recommendation of the Law Reform Commission. They would not be sitting down and saying, 'Well, what does this really mean? Will it mean that one day it is going to end up in the Nature Conservation Act in Queensland?' People do not sit down and read the Law Reform Commission report because it came up some 10 years ago. That is too silly for words—it is absolutely too silly for words. These things become an issue when they have a direct application to a piece of legislation which is something that directly affects the industry which is regulated by that statute. That is what we are dealing with in this particular circumstance.

Notwithstanding the fact that the Law Reform Commission may have recommended this, the government does not always legislate the recommendations of the Law Reform Commission in all circumstances. There are so many Law Reform Commission reports that are sitting around waiting for full implementation by the government. Some of them contain hundreds of pages and copious numbers of recommendations. The government still has the discretion in the way that it implements the recommendations of the Law Reform Commission. It happens all the time. One would hope that the government, after the Law Reform Commission has gone through the process, would take a lot of notice of what it is putting forward. That does not mean that the

government does not continue to exercise its sovereign discretion to decide what aspects of recommendations it is going to implement and how it is going to implement them.

It is also not true to assert that we are not standing up for the laws of the state and that we are actually standing against the statutes of Queensland. We are not. We have no problem with regard to the statutes of Queensland. We may argue about them in here. I do not go out and say that people should be breaking the law. Our concern is that this particular new clause may be used in a frivolous or vexatious or some other way to cause concern to a certain group in the community, particularly those who have raised concerns about the issuing of damage mitigation permits.

We know that from time to time we have to come into this place and pass laws that clarify pieces of legislation which have been misused in the courts and not in accordance with the intent of the parliament. Those sorts of things happen all the time. The QFF and the QFVG are wondering what might happen with regard to the judicial review process as a consequence of this. There is some capacity for it to be used in a frivolous or vexatious manner. That is what they are saying. It is not about standing against the laws of the state and having contempt for the laws of the state.

Quite frankly, I think that some of these matters that may go to court are going to be subjective. There may be one, two, three, five or 10 cases before the court over a decade. There may be more or there may not be any. That is the subjective nature of what we are debating. However, it is a concern which has been raised that needs to be properly addressed. The QFVG and the QFF have said that they are not necessarily against what the government is proposing, but they want certain things to be ironed out and clarified. They want certain assurances to be given. They know, as many other people do, that assurances do not necessarily mean that things are not going to happen that are not going to cause some form of problem at some future time in the courts.

What the minister has said in this place does not necessarily bind those people who may want to use these third-party declaratory or enforcement provisions for certain purposes. Some of them may be for very noble reasons and others may be for frivolous or vexatious reasons. That is why we raise it. There was a lack of consultation. It was not proactive consultation. It was consultation as an afterthought with the government saying, 'Okay, here you go, this is in parliament. Have a look at it.' Let us say they had raised all these issues and they were genuine concerns—and I believe that they are legitimate issues that need to be addressed—does that mean that the government was going to go and change them? Obviously from what the minister has said tonight, no, they are not. That is why we are going to have to oppose this clause.

Mr WELLS: The Leader of the Opposition says that frivolous and vexatious actions might be brought. Let us ask: who might be bringing these frivolous and vexatious actions and against whom? First of all, presuming the honourable member's standpoint, he is suggesting that an environmentalist might bring a frivolous and vexatious action. It is unlikely that a frivolous and vexatious action is going to be brought by an established environmental group. Why would they do that? They would simply stand to be tossed out of court, because courts take a very dim view of frivolous and vexatious actions. Secondly, they would simply stand to lose their own credentials. If they were bringing a case where there was no prospect of success, where it was frivolous and vexatious, they would have taken legal advice to the effect, 'This is not where you do it.'

These are the people that the honourable member thinks are likely to be bringing these actions. But it is not going to be as he fears. Indeed, history shows that it is not. I have already quoted the statistics. Only three cases have been brought under the EPBC Act, and only one of them was successful. Three cases have been brought under the Environmental Protection Act. The suggestion that the environmental movement is going to immediately start bringing frivolous and vexatious cases is a completely groundless one. Against whom are the cases going to be brought? Are they going to be brought against the honest farmer who has a damage mitigation order and is acting in accordance with the damage mitigation order? No!

Mr Seeney: Yes, they are—quite conceivably.

Mr WELLS: No, they are not, because they would be thrown out of court. They are going to be brought in those cases where people are in breach of the law.

Mr Seeney: Dream on.

Mr WELLS: Queensland is a very wide expanse. There are many keen eyes that are watching from the point of view of the government. There are many more eyes that are watching that do not at the moment have standing to initiate these matters. What we are doing is empowering the law-abiding sections of the community to identify and bring actions against those who are in breach of the laws of Queensland. What this is about is the enforcement of the laws of Queensland and to stop a measure which is going to maximally enable effective implementation of Queensland law is in fact to stop a measure that is going to mitigate law breakers.

Why the opposition has a problem with enforcing the laws of Queensland is not clear to me. Why is it that it does not want laws which it itself has enacted enforced with vigilance? That is the question that the opposition needs to ask. If it believes in it enough to vote for them the first time, which it did, why does it not want them to be vigilantly enforced?

Mr FLYNN: I take issue with the minister on his statement that One Nation considers that industry stakeholders were not consulted. What we said—at least what I said—was that industry stakeholders have not been adequately consulted on this clause, an area which could impact adversely upon their business. I seek leave to table a letter from Robin Amos, the Secretary of the Australian Lychee Growers Association, to indicate that his association was not consulted on this issue.

Leave granted.

Mr FLYNN: As I and the Leader of the Opposition have previously pointed out, industry stakeholders see in clause 23 an invitation to outsiders, particularly ecoactivists but also uninformed observers, to intervene in what are on many occasions legitimate agricultural or horticultural operations that they spuriously suggest are breaches of the law. I do not share the faith of the minister in the integrity of green activists who, if they had their way, would ensure that one would have to build their house around a tree and not take it down to build. They are well versed in filling the courts with matters wasting court time. The fact that many matters are thrown out of court has never stopped people in the past from bringing initial complaints, and the greens do it continuously.

Queensland fruit and vegetable growers in particular are worried that clause 23 stands to be a charter for green vigilantes to obstruct and frustrate their attempts to save their crops from the depredations of wildlife. These stakeholders have seen their operations destroyed by the very wildlife that we seek to protect, and they obviously seek a better balance between their rights and the rights of the wildlife and other predators—they mention kangaroos and fruit bats—that are threatening their livelihoods. The north Queensland lychee growers have said that several producers have been forced to leave the industry because of the flying fox problem and more are teetering on the edge.

Honourable members will recall that the Federal Court recently prevented a grower from using electronic grids to stop bats eating his crops. That decision was a ruling on a provision in the Commonwealth Environment Protection and Biodiversity Conservation Act banning activities outside world heritage areas which have significant impacts on world heritage values. Growers fear these amendments will be just another nail in the coffin of their businesses, and these are genuine concerns. Whether in fact the minister feels that this is not going to be an effect of the legislation perhaps indicates that the government should be doing more to allay those fears, which could have been done by more adequate consultation. But, as I said, growers fear that these amendments will be another nail in their coffin because it was an injunction by a conservationist that brought about that Federal Court ruling.

The Queensland Fruit and Vegetable Growers Association's chairman Paul Ziebarth said at the time that the ruling left fruit growers without a viable means of controlling bats. The Mareeba district fruit and vegetable growers have also said that pests are eating into profits at a time when measures to protect their crops from predators were being challenged in the court by environmentalists. So members can see that there are real fears in the industry that third-party intervention could be used as somewhat of a Trojan horse by environmentalists—however well meaning on occasions—to rob them of their defence against pests. It could at least involve them in court hearings which could hinder them in the crucial stages of their businesses when timely crop management and fruit picking is absolutely essential. They also fear litigation could come at great personal cost. This problem is not confined to fruit growers or rural residents. As the member for Charters Towers knows well, bats are a huge problem in that town, which is suffering from an invasion of around 50,000 bats. Charters Towers had a damage mitigation permit, the same as fruit growers—

Mr Springborg: They haven't been very successful at fixing the bat problem in Charters Towers.

Mr FLYNN: No, apparently not. They were saying that the bats were threatening to destroy the town's trees, but the mayor was told by the Queensland Parks and Wildlife Service to suspend all attempts to remove thousands of bats from the city's trees because an independent assessment by a qualified wildlife ecologist found that females in the bat colony were close to giving birth or already had dependent young. To quote the mayor, he said that it was totally frustrating when people expected him to solve the problem but he could not because of state legislation. He went on to say that this was a decision that had come from Brisbane greenies with no consideration of how this was affecting rural life outside the south-east corner. Exactly. It is frustrating for many people, and for these reasons we oppose the provisions of this clause.

Mr WELLS: I do not know if honourable members heard closely what the honourable member just said. Did they hear him use the term 'green vigilantes'? Is it not wonderful when One Nation reverts to type? Is it not wonderful when the honourable member, who is very adept at camouflaging some of his notions in a persiflage of progressive rhetoric, actually comes out with a phrase like 'green vigilantes' and tells everybody exactly where he is? We are not here proposing anything to do with vigilantism. What we are proposing is an instrument for the enforcement of the laws of Queensland. That is what this is. If the member is opposed to this on the principle that he thinks that enforcement of the law is some form of vigilantism provided it is a green law, then the member is opposed to the rule of law itself.

Mr FLYNN: I rise to a point of order. I have not suggested that people disobey the law. I simply suggested that the law could be used frivolously by some organisations. I did not say that.

The TEMPORARY CHAIRMAN (Ms Liddy Clark): Order! There is no point of order.

Mr WELLS: Madam Chair, I did not say that he said that. I said something a little bit more subtle. But let us be very clear what the divide here is: they think that this is a measure of green vigilantism. That is what the opposition is saying, or at least that is what the One Nation wing of the opposition is saying. We make no apology for the fact that this is a green measure. We make no apology for the fact that the laws of Queensland that are designed to protect the state from pollution—the laws of Queensland that are designed to preserve our wildlife, to preserve our fauna and our flora—are going to have this additional assistance in respect of their enforcement. But this is no more than we already have in the Environmental Protection Act. This is no more than has always been flagged. It was part of the progressive implementation of a series of third-party standing provisions which have been put into kindred acts over a period of time. This is nothing new.

But it is a statement by this parliament—a commitment by this parliament—to protect our green heritage. It is a statement and a commitment by this parliament to ensure that the laws of Queensland designed to protect our environment are effectively enforced. Why would members opposite oppose it? The only reason they could possibly be opposed to it would be if they knew that some people were breaking the law and they were prepared to give it a nod and a wink. Well, this is not a government that is prepared to give a nod and a wink to the breach of our laws, particularly those that are there to protect our environment. I commend this to the House.

Mr SPRINGBORG: I just heard the minister at his florid best. We have not said that there may not necessarily be some benefit in possibly looking at this, but we have said all the way through that there needs to be a consultation process to allay these particular concerns. I would have thought that it was the minister's own department's responsibility to go out there to enforce these issues. If I am driving down the road and somebody is going past me at 120 kilometres an hour, do I rush out and grab hold of them? Do I go out and grab hold of them? Do I make an arrest? I write it down and report it to the department if I am so inclined. I report it to the police if I am so inclined. It is the same sort of thing with a whole range of other laws in this state.

Are we going to give everybody in Queensland these third-party enforcement provisions in all areas of law where somebody might be breaking it? Of course we are not. The question that simply has to be asked of the minister is: does he not have confidence in himself or his department to do his job properly? There should be ample opportunity for somebody, if they believe that something is going wrong, whether it relates to ecotourism or whether somebody is abusing a damage mitigation permit or doing something else, for them to ring up the National Parks and Wildlife Service and say, 'We believe we have a problem.' With adequate resourcing to

start with, the department should be capable of investigating that. It should be its responsibility to investigate that, to find out what is going wrong and to take the necessary action.

Let us say that there is a legitimate issue, and there may be legitimate issues for third-party declaratory actions or third-party enforcement provisions. They have to go through the expense of going to court to achieve that. We have to ask: what is the minister's department doing in the first place? Why are they having to do that?

Mr Quinn: It can only be as a result of the failure of the department.

Mr SPRINGBORG: It can only be as a result of the failure of the department or the minister to properly resource the department. That is what it is about. The minister is wanting to turn everybody into an enforcement officer.

What about other aspects of the law where the various departments are not doing their job and it is taking weeks for the responsible department or the enforcement agency to respond? There is a whole range that we deal with day by day, week by week in our office where we would not even dream of giving third-party declaratory provisions or enforcement provisions. We have no objection to upholding the law. The issue is the lack of consultation. Firstly, there may be a problem with respect to somebody chancing their hand in a frivolous or vexatious way. That may or may not happen. It may very well be that there are some genuine people out there who want to take it on anyway because they believe something has been contravened. Whatever the hypothetical scenario may be, there are some major failings with this, namely, a lack of proper consultation and consideration.

Secondly, why is somebody else having to do the job of the department in the first place if the minister is conceding that the law is being broken? We would have thought that someone actually rings up the department and asks them to do the job. If we suspect there is some sort of contravention of the Criminal Code in Queensland, what do we do? We do not take court action ourselves. We ring up the police and ask them to investigate and to do their job. We are not saying once again that there may not be some form of merit properly considered in this; quite simply, we are saying that there are some problems with it that have not been properly considered. All of the florid nonsense that the minister goes on with in this place is not going to hide that fact.

Mr WELLS: Here is the ideological divide. It is not about consultation. I am very happy to meet with the representatives of these particular groups next week—

Mr Rowell: Next week?

Mr WELLS:—or this week—and further discuss these matters with them. But it is not about consultation. It is about the ideological divide. The real argument was the one that the Leader of the Opposition just used. He said, 'Why isn't the government doing this kind of thing? Why isn't the law being enforced only by the activities of people in uniforms going around and doing routine inspections so that everybody else that those people in uniforms do not manage to keep under surveillance gets away with it?' That is what its proposition amounts to. It is an ideological position. It is the ideological position that the law is something which government ought to dispense and that the people have nothing to do with. But that is not the ideological position from which this side of the House comes. We come from the viewpoint that says that the people have a great deal to do with participation in government. We come from a point of view that says we ought to have community cabinets in order to involve people in the decision-making process as much as possible. Our point of view is that we should maximise the amount of social capital in a community in order to get a more prosperous, thriving and healthier community. By actually involving people in the processes of the law and by empowering people, giving them the opportunity to assist in the implementation of the laws enacted by this parliament, we make a stronger and better society.

We have 60,000 volunteer justices of the peace in Queensland. The principle of involvement in the legal process by members of the community who come forward because they have an interest in serving the community in that respect is well established in Queensland law. This is not a new add-on. This is not a new addendum. This is mainstream stuff, but it is mainstream stuff that the opposition has never entirely taken unto itself, because it is just a little bit alien to National Party philosophy to have laws relating to the preservation of our green wilderness, of our rare fauna, of our open landscapes, and of our beauty spots looked after by the people of Queensland. They are not used to the idea that we can employ social capital to protect natural

capital. They are not used to the idea that the people can be empowered to do something to make a better environment for their children and for their children's children.

I say to the opposition: get used to it, because this is how it has been going for years. This is not something that we sprung on it on a whim. This is a progressive implementation of third-party standing which has been going on over a series of kindred statutes for some time. This is something which will empower those with an environmental consciousness to enable the laws of Queensland to be enforced more effectively and more meticulously. What could possibly be wrong with that?

Mr SEENEY: It is a long time since this parliament has been assailed with such florid nonsense. What sort of a contribution is that from a minister charged with the administration of such an important portfolio? What sort of a response has this parliament received to what are quite genuine concerns that are being raised by people who have lived, worked and survived totally within the environment which they have sought to protect and which they have protected for generations? What sort of a response is that to the very real concerns that have been raised about the possible scenarios that can arise from the elements of this legislation that are being brought before the House tonight? It is a totally unsatisfactory one. The point has been well and truly made by my colleague the Leader of the Opposition that it is the responsibility of the department, it is the responsibility of the minister ultimately in the Westminster system, to ensure that if the law is being broken those that are breaking it are called to account. That is the responsibility that is incumbent on the minister. That is what he gets paid for.

What this legislation seeks to do, as my colleague pointed out a number of times—and the minister has chosen to ignore—is to abdicate the department's responsibility to whoever else wants to take it on. The possible scenarios that can arise from that are frightening to the people who have to deal with the practicalities that are a world removed from the florid nonsense that the minister has subjected every honourable member to tonight.

I wish to raise some new issues that are dealt with by this clause, and perhaps—perhaps not—we might have a more meaningful response from the minister. Clause 23 is quite a long clause. It deals with a whole series of subclauses that relate to challenging the department's decisions. It allows a third party unprecedented opportunities to challenge the department's decisions and issuing of instruments. I raised these issues in the second reading debate. They have not been addressed by the minister in his summing-up and they certainly have not been addressed so far in his responses to the questions that have been asked about clause 23.

There is a proposed section here that deals with the judicial review of administrative decisions. It is just one of a number of sections which allows the department's decisions to be challenged and questioned by the third parties that are being empowered in this legislation. Proposed new section 1730 states—

- (1) This section applies, for the Judicial Review Act 1991, to any of the following—
- (a) a decision made under this Act;
 - (b) a failure to make a decision under this Act;

Minister, correct me if I am wrong—and please make the government's intention clear to the committee—does that or does that not open up every decision that the department makes to a judicial review challenge? Every time a departmental officer issues a permit, a licence or an authority of any particular sort, whether it be the damage mitigation permits that we have talked about tonight or even things as basic as permits to enter or camping permits, permits to burn, grazing permits or a whole range of things, does that not open those administrative decisions up to administrative review? The scenarios that can arise from that in terms of providing opportunities for those who wish to delay, procrastinate and frustrate the efforts of people who are trying to exist and manage in the practicalities of the real world should be starkly obvious, even to the minister.

I seek some clarification as to all of those proposed new sections of clause 23 that do not just relate to damage mitigation permits, that do not just relate to the decisions of the Planning and Environment Court but seem to me to provide quite unprecedented opportunities for third parties to challenge the everyday decisions of the department. In so doing, they will effectively provide opportunities to tie up the administration in the sort of litigation that will ensure that nothing will ever eventuate. The whole process will be tied up interminably by people who perhaps have a different point of view to the government of the day. Those are the opportunities that this

bill presents. If nothing else, the minister should make the government's intentions clear in that area.

Mr WELLS: No, it will not tie everything up. This is specific to conservation matters.

Mr SEENEY: I think the obvious question that needs to be asked is: what matters is it specific to, and why has it been chosen to make it specific to conservation matters? The response that the minister has given certainly raises many more questions than it answers. Could the minister outline to the committee what matters he refers to when he says clause 23 is specific to conservation matters? It is quite a long clause. It deals with a whole range of issues and provides a whole range of opportunities.

Mr WELLS: There is a rule of statutory interpretation which the courts apply. It has a Latin tag. It is called a *eiusdem generis*. This is a third-party standing provision made under the Nature Conservation Act. The applications that would be relevant to that would be those that would be, as the courts would say, *eiusdem generis* with the intention of the original act.

Mr SEENEY: The minister is quite clearly seeking to mislead the committee then with his previous answer when he said that it does not have broad application; it only applies to some narrow area of decisions. If it applies to everything that was within the intention of the act, it surely does, as I suggested in raising the issue, apply to every possible decision that the department can make because every possible decision that the department can make obviously has to be within the intention of the act. So every possible decision that the department makes right down to those most minute administrative decisions about granting permits to enter particular areas are going to be subject to the types of challenges for which this clause provides opportunities.

Once again, the minister's answer has raised many more questions. It is not just the issues that were raised by the Leader of the Opposition in regard to the administrative decisions that involve possible breaking of laws and who should take action against people who may or may not be found to be breaking the laws. This clause goes a whole lot further than that by his own admission. By his own words, it allows everything that is within the intent of the act, which is every administrative decision that the department could possibly make in the administration of the act, to be challengeable by these third parties who may or may not be motivated by the best of intentions. If any member of this committee had doubts about whether or not they should support this clause, then those doubts should surely have been totally banished by the responses that the minister has given to the debate on this clause.

Mr WELLS: What the member is suggesting is that the government is going to be bound by this. If what he is suggesting is that the quality of government decision making is going to be exposed to the rigours of this law, if what he is suggesting is that the transparency of government is going to be heightened by this law, then the honourable member is right. But this government does not fear transparency. This government does not fear making decisions in the clear light of day, nor do we have any concerns about exposing our decisional processes to the determinations of courts on the basis of administrative laws made by this parliament. Open government, transparent government, government that is exposed to scrutiny, is better government.

It has been a decade since I introduced into this House the freedom of information legislation. At that time I said something along the following lines, 'Information held by government has until now been secret unless there was some overwhelmingly good reason to the contrary. However, from now on information held by the government will be available unless there is some overwhelmingly good reason to the contrary.' The same principle is relevant here. Decisions made by this government or any other government ought to be capable of transparent scrutiny unless there is some overwhelmingly good reason to the contrary. This government is not afraid of that. We do not fear that. We do not mind that because what we are doing when we are making decisions is giving a legacy to our children and generations to come. We want that legacy to have quality and we want that legacy to be green.

Mr ROWELL: We talked about environmental groups and how they interact with this particular piece of legislation. If they have a barrow to push they will go to extraordinary lengths. In terms of vexatious and frivolous claims being brought before the courts, they will certainly go to every length they possibly can. I can verify this. Let us look at the situation that existed when Port Hinchinbrook was being built. We saw the Friends of Hinchinbrook opposed to the project. They used the media and a lot of misinformation. They did everything possible to stop that project, although, of course, stage 1 has now been completed.

That particular group took the developer of Port Hinchinbrook to court. They lost and went bankrupt. The same group, under a different name, has sprung up and is contesting stage 2 of the Port Hinchinbrook development. They are opposing it. They have the right to do that, of course, but this legislation brings a new dimension to that. If radical groups come up with claims and are prepared to take them to court, even though they do not have sufficient money to see the court proceedings through and then become insolvent, we have a problem.

Mr Terry Sullivan: You do not care about the environment, do you?

Mr ROWELL: The honourable member does not care about a lot of things. He is very vociferous. He holds a position that is very negative about everything. I care about the environment, but I am very concerned about people having the capacity to lodge vexatious and frivolous complaints. I have seen that happen. I am not raising this issue because I dreamed it up. It has happened. I can assure the House that people have had enormous difficulties as a result of frivolous and vexatious complaints.

An opposition member: It makes it impossible.

Mr ROWELL: It does make it impossible.

Mr Terry Sullivan interjected.

Mr ROWELL: I can tell the honourable member that stage 1 of the Port Hinchinbrook development has gone ahead and there have been no problems with it. Environmental monitoring has taken place, day by day, almost minute by minute. The same group is now coming back to try to stop stage 2 of the development. If that is not frivolous and vexatious, the member should tell me what is.

Very often when putting forward their claims they use illegitimate reasons that have no basis whatsoever. Let us look at the groups that the government involved in this process. The provisions of the bill were developed following over 12 months of consultation with government departments, the Queensland Conservation Council and the Environmental Defenders Office. Is it just a coincidence that Carol Booth was directly involved in a case that the minister talked about, which was taken to court under the Environmental Protection and Biodiversity Conservation Act, and that they used the Environmental Defenders Fund to finance that operation? Lo and behold, one of the only groups that is not a government department is the Environmental Defenders Office. Is that just a coincidence? I do not think so.

In relation to that particular situation, Carol Booth actually trespassed on freehold property to gain information. Are we developing a semi police state in which anybody can trespass on a person's property? Is that what we are getting involved in, because that is a very serious situation. She has flaunted the law. The minister is putting a provision into this legislation that allows people to flaunt the law yet be seen to be a great white knight. I do not think that is right.

The grower in question had a pest mitigation permit for about 20 flying foxes. I can tell the minister that on any one night 1,000 flying foxes landed on that property. According to his pest mitigation permit, the maximum number that he could get was 20. What happens when one has half a million dollars worth of crops and these little things turn up every night, and I can assure the House that they turn up regularly? They would not come if that crop was not there. It is quite clear that they are now using what people have provided as a food stock. They deny the farmer the opportunity of reaping that crop. I do not think that is fair. That is absolutely abhorrent. I am extremely concerned about the provisions that are in this act. If a person does make a decision—

An opposition member: He is not even listening.

Mr ROWELL: I am sure that the minister is listening. If a person decides to go ahead with proceedings, the minister can decide to be a part of the proceedings also by filing a notice of election in the court. One has something like seven days to notify the chief executive of the proceedings. The minister can then decide whether he wants to get involved in the process, too.

The minister is using this particular group, which probably has a barrow to push, to see what they can find is inconsistent with the law. I am not disputing whether it is or is not. All I am saying is that if they have a particular point of view and they can provide sufficient information and evidence to support it, and of course they can beef it up a bit, they can get it to the point where the courts might say that it is not vexatious or frivolous. It can get to the point where there is some contestability about it and the minister can then get involved himself.

What happens to a person who is given a pest mitigation permit that is insufficient and he is losing his crop? He is at his wit's end and does not know how to control the pests. He does not

have the sort of money to provide the ultimate protection, which is a net right over the top of the crop. As far as I am concerned, the Flying Fox Committee is redundant. It has looked at a range of deterrents such as bells and whistles, and the shoo-roo type of deterrent which has not proved to be very successful. It has used smell deterrents, none of which have been very successful either. What does a grower do in that case? What does the grower do when he gets to a point where he is absolutely desperate to protect his crop, which he probably has hundreds of thousands of dollars invested in?

Does the minister have any idea of what it costs to set up an orchard? One has to put irrigation in place, plant the trees and wait three to four years before there is any crop at all. It will then take probably another seven, eight or nine years to get a return on investment. I can say this from experience. I am telling the minister this because I know it is factual information.

The particular grower concerned has no finances to protect the crop at a level that will ensure that he will get a crop. Uninvited, these species come in and devastate the crop. He cannot get a pest mitigation permit for grids. We can talk about issues involving electrocution, but I think the point was made by the RSPCA that that is not the only solution to the problem we are talking about.

Time expired.

Mr SPRINGBORG: Further to the issues raised earlier by the Deputy Leader of the Opposition, in his response regarding judicial review matters the minister said that they applied to 'all conservation matters'. I am not trying to misquote the minister. That is what I wrote down. What does this really mean? On the one hand, we have the capacity for third-party declarations and enforcement, and the minister argues about upholding the wonderful laws of the state. We are saying that, if the minister and his department were doing their job, they would be dealing with that and not relying upon everyone being an enforcement officer. Then there is the issue of judicial review, which I raised briefly in my speech. Judicial review in many cases in Queensland has been frivolously and vexatiously used. There is no doubt about that. That is one of the reasons why departmental officers do not want to make decisions—because of the fear of judicial review. A whole range of people can quite easily take this particular action for judicial review to try to question a decision made by a department insofar as the procedures which it has followed or other aspects of the particular law in question.

So that is not clear. That is not as cut and dried as what might be argued with regards to what the clear law of the state was insofar as the necessity, if you believe it, to have these third-party declarations and enforcement orders. When the minister talks about 'all conservation matters', to me we are dealing with matters occurring on state lands and potentially on private lands. How does this impact upon a fire fuel reduction strategy which has been put in place by the minister's department on state lands in conjunction with other government agencies if somebody does not like the fact that an area may be burnt because they have concerns that something may be interfered with? Some people do not like the idea of fuel fire reduction processes being put in place. I even see it in my area. They are happy to sit there and virtually burn. Does this open that process up more readily to judicial review?

What about beekeeping permits on state lands? Does this open up the granting of somebody taking a judicial review action and the procedures surrounding that, and the subjectivity about whether beekeeping is compatible in state forests and national parks? What about the grazing lease issue that the Deputy Leader of the Opposition and I previously mentioned? What about wild dog control and baiting, particularly on state lands in areas surrounding residential areas where you need to control and reduce the numbers? Does this open that process up more or open it up to judicial review? What about the culling of feral animals on state lands where some people do not necessarily believe it is right to be culling anything? I would like the minister to reassure me that those conservation matters are not affected by the Judicial Review Board clauses or procedures contained in this particular clause; that they are in no way going to be impinged or impugned by what he is facilitating in clause 23.

The other point I would like to make is this: the minister says that we have some problem with the notion of environmental protection and preservation in this state. We have no problem whatsoever.

Mr Terry Sullivan: Yes, you do.

Mr SPRINGBORG: I would say to the honourable member for Stafford: did he support the koala road? Did he support putting a highway through the koalas' habitat? Does the Labor Party

support the Moreton Bay fish farm? Let us not have any humbug from the honourable members opposite that they are all green. They all cloak themselves in robes of green when it comes to environmental issues but look at their koala road. The minister sat mute when that particular decision was made, and look at the seats that the government lost. We did not go ahead with that road. Look at the fish farm in Moreton Bay which we are opposed to because it contravenes the environmental integrity of Moreton Bay.

Time expired

Mr WELLS: To answer the Leader of the Opposition's question, judicial review already applies. If I remember correctly, there have been a number of occasions where judicial review actions have been brought in respect of culling or in respect of management actions which my department has taken in recent times. Judicial review already applies. So there is an end perhaps to that particular concern.

With respect to the matters mentioned by the honourable member for Hinchinbrook, the problem in that case was that the man was breaking the law. He had a damage mitigation permit for 500—not 20—and he killed 18,000 with his electric grid. His problem was that he broke the law. I understand that this is a matter on which different minds can come to different conclusions. I do not expect that I will be able to persuade the Leader of the Opposition and the Deputy Leader of the Opposition, though in respect of a number of matters I am very well aware that I have had the experience—and I acknowledge this now—of being able to persuade them in a debate of this kind that the matter being proposed was desirable and did not threaten the interests of the people that they were concerned to protect or that they thought they needed to protect.

This is not one of those instances. I am not going to be able to talk them around. This is the ideological divide. They believe one thing; we believe another thing. What we believe happens to be greener than what they believe on this particular occasion. The Leader of the Opposition and the Deputy Leader of the Opposition said that they wanted a division. Bring it on. We will bring some numbers in and see what we can do, but we are not going to get a meeting of the minds on this issue.

Mr ROWELL: I want to go back to the consultation process. The minister indicated that the man had a damage mitigation permit for 500. If the minister is saying that, I am sure it is truth and we will see how that progresses.

Mr Wells: So I am advised.

Mr ROWELL: So you are advised. Is the minister not sure? He is not absolutely certain it was 500.

Mr Wells: I am certain that the advice I was given was correct.

Mr ROWELL: Okay. How many thousand did he actually kill?

Mr Wells: Eighteen thousand.

Mr ROWELL: So he had a permit for 500. Does it not really demonstrate there must be a major problem as far as these pests are concerned? Does it not really demonstrate that he wanted the crop that he had planted to survive? Do not try and draw the conclusion that I am condoning—

Mr Horan interjected.

Mr ROWELL: That is right. Just turn right and go the other way. It does not work that way, Minister. Unfortunately, he was being devastated by these beasts and a lot of crops had been devastated. I have to say that there has been reasonably good cooperation with the national parks people about this issue, but at the end of the day it was an inadequate solution. So the permit was for 500 but thousands more were collected in these grids. What were they doing there? Just having a circumnavigation of the orchards? Flying around and having a look at the lights and maybe the moon and the stars? Or were they there to eat the lychees? If there were that many that were caught in these grids—and these grids are up only about six or seven metres high—something must have happened for them to get caught there. They had intentions to eat those lychees; that is what I am saying to the minister. They had every intention of doing that.

This is not a laughing matter. For every one that got caught in those grids there were probably two or three that were out there eating. This was not a grand total of flying foxes planing around like F111s waiting to have a birthday party or something of that nature; they were there to

eat the lychees. There is no doubt about that. That is unequivocal. They were seriously there to destroy those lychees because that was a good food stock for them. It is as simple as that.

Why does a person go to the extraordinary extent of spending hundreds of thousands or even millions of dollars and then have these little beasts zoom down and go into the crop and devastate a person's income?

A government member interjected.

Mr ROWELL: It is not a laughing matter, I can assure members.

I turn to the consultation process. I rang Agforce, QFVG and the umbrella organisation and I said to them, 'Are you aware of this legislation?' That was only about three weeks ago—four weeks ago at the absolute outside. They said, 'No, we're not.' Yet it is so strange that back in October they were informed. Not one of them—three of them! They must not be able to read the emails or the reports the minister sent out to them about what is happening and his intention to bring forward this type of legislation. They did not know about it. That is what the organisations told me.

If the minister said he sent it out in October, then I am not going to disbelieve him. The whole problem was that despite the fact that they had this information they did not act on it. The three organisations that were looking after farming interests did not know anything about it when I rang them. That is the truth. I am not trying to be vexatious or frivolous; I am just telling the minister the facts. That is basically as I found them. I knew the implications. I knew what trauma this chap had gone through as far as the flying foxes were concerned. I thought it was important that they should be informed.

With kangaroos that destroy crops and flying foxes that land in crops, I am deadly serious, Minister, when I ask: who owns these?

Mr Palaszczuk interjected.

Mr ROWELL: Who do they belong to? Do they belong to all Queenslanders? Who do these pests—the flying foxes and kangaroos that destroy crops—belong to? Can the minister tell me, when they land on freehold property, who do they belong to? Can we or can we not destroy them?

I am not talking about endangered species, I am talking about pests that are not endangered. There are quite a few of them out there. When they turn up on your property and start eating your crops, they are on your land. If a person is a freehold landowner, who owns these little pests? Who do they belong to? If a dog or something was eating your crops—it could be a cow or anything—you are entitled to go and shoot the damn thing. Nobody is going to say too much about it, provided you deal with it in a humane way. Provided you deal with it in a humane way, it can be shot. It might be a dog that comes in.

A government member interjected.

Mr ROWELL: It might be a problem that someone has with some particular pest. The minister thinks it is funny. He should go out there and plant crops and lose hundreds of thousands of dollars and see how he finds it. The minister would not know what it is all about, but there are people out there who are absolutely desperate.

In fact, industries might go by the way because of this situation. Industries might go down the gurgler because they cannot control the pests. There is no mechanism to control the pests. Yes, we can talk about putting nets over plants and we can do all those sorts of things, but is the minister aware of the actual costs? Is the government prepared to assist growers in some way, shape or form? It costs \$25,000 or \$30,000 a hectare to do this. When people spend that money they have to get a return on it. They will probably be guaranteed a return by the fact that they can control the pests to a large extent, but then there are other elements of the weather that have to be dealt with—too much rain, not enough water and that sort of thing. It goes on ad infinitum.

Mr Shine: Yes, that's farming.

Mr ROWELL: That might be farming, but what about if a pest turns up uninvited and starts destroying your crops; is that farming?

Mr Shine interjected.

Mr ROWELL: And the member can sit there in a legal sense and say, 'Well, that's farming.' Well, bugger me!

The problem is that there are pests that are zooming around uninvited and on someone's land. Can the minister tell me who owns those pests?

Mr WELLS: That is a little bit outside the scope of the legislation, but the answer to the honourable member's question is: that creature that is on a national park is—

Mr ROWELL: A point of order.

The TEMPORARY CHAIRMAN (Ms Male): Order! There is a point of order, Minister.

Mr Rowell: I will let the minister go on.

Mr WELLS: A creature that is on a national park is the property of the Crown and the right of the state of Queensland—that is, it belongs to all of the people of Queensland. A protected species, which includes probably the species of flying fox that the honourable member is referring to, is also one that people cannot take that action with. With respect to other animals—species that are not on national parks—those are the province of the Minister for Natural Resources. There are complex legal rules relating to those. It is not my place to enunciate them. I would invite the member to ask him about it.

Question—That clause 23, as read, stand part of the bill—put; and the Committee divided—

AYES, 58—Barry, Barton, Bligh, Boyle, Bredhauer, Briskey, Choi, E. Clark, L. Clark, Croft, Cummins, J. Cunningham, Edmond, English, Fenlon, M. Foley, Fouras, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nolan, Nuttall, Palaszczuk, Phillips, Pitt, Poole, Purcell, Reilly, N. Roberts, Robertson, Rodgers, Schwarten, C. Scott, D. Scott, Shine, Smith, Spence, Stone, Strong, Struthers, C. Sullivan, Welford, Wells, Wilson. Tellers: Reeves, T. Sullivan

NOES, 19—Copeland, E. Cunningham, Flynn, Hobbs, Hopper, Horan, Johnson, Lee Long, Lingard, Pratt, Quinn, E. Roberts, Rowell, Seeney, Sheldon, Simpson, Springborg. Tellers: Lester, Watson

Resolved in the **affirmative**.

Clauses 24 to 26, as read, agreed to.

Clause 27—

Mr SPRINGBORG (11.22 p.m.): I briefly touched on this in my speech during the second reading debate in acknowledging the fact that the intent behind this clause seemed to be that the government was looking at ways of ensuring safety, particularly of children in certain areas where they may be at risk from animals in particular, and this may have specific application to the likes of Fraser Island. We do have a little bit of concern regarding this clause, and I seek the minister's clarification of it. The clause states—

Without limiting any other item of this schedule, providing for the safety of persons in recreation areas, including the regulation of access to, and activities in, recreation areas by persons or classes of persons.

Example—

A by-law might regulate camping in a recreation area by children, or adults accompanying children, to protect children from injury by animals.

That sounds fair enough. I want a further assurance from the minister that, in the case of Fraser Island, for example, where there have been issues with regard to dingoes coming in contact with children and the potentiality for injury or death to those children, he is not seeking to bring in a by-law which would prohibit camping on all beaches in that area. As I understand it, there are certain camping areas that exist there, but by and large people set up tents wherever they are. Is that the minister's intention by the clause, or does he envisage a situation where he would be seeking to establish a by-law which may outlaw or prohibit camping on all areas of the beach—that is, Fraser Island—with the exception of specified protected areas?

Mr WELLS: With regard to particular dingo packs or particular areas that are patrolled by crocodiles, there are particular members of that group that are familiar with that particular area. Sometimes they get a little bit out of hand; perhaps the activity gets a little robust. If people were in such an area, I would expect that a by-law would be made to limit it. I do not think it would be of generality so as to say that one cannot do it on the whole of an island. One might say that in this particular area the pack that is operating there needs to be culled. Until that is done, the rangers are going to have the powers to tell somebody to move or to get behind the fences with their children.

Mr Springborg: That is fine.

Clause 27, as read, agreed to.

Clause 28, as read, agreed to.

Schedule—

Mr WELLS (11.25 p.m.): I move amendment No. 2—

2 Schedule—

At page 26, lines 6 to 8—

omit, insert—

' 1 Section 144(1), after 'indictable offence'—

insert—

', and is a misdemeanour'.

' 2 After section 176—

insert—

' 176A References to certification and notification under the repealed Canals Act, s 8(1)

'(1) Subsection (2) applies if certification or notification under the repealed Canals Act, section 8(1), in relation to a contract for the sale of land to which an approval mentioned in section 176(1) relates, has not taken place before 20 October 2003.

'(2) Any reference in the contract to the certification or notification is, on and from 20 October 2003, taken to be a reference to the relevant local government's certification under section 119(2) on a plan of subdivision relating to the land.'

' 3 Section 181(1), 'This section applies'—

omit, insert—

'Subsections (2) and (3) apply'.

' 4 Section 181—

insert—

'(1A) Subsections (2) and (3) also apply if—

(a) an application to reconfigure a lot in a coastal management district—

(i) was made to a local government under the *Integrated Planning Act 1997*; and

(ii) was not finally decided before 20 October 2003; and

(b) the local government issues a development permit for the reconfiguration on or after 20 October 2003.'

Amendment agreed to.

Schedule, as amended, agreed to.

Environmental Protection Legislation Amendment Bill reported, without amendment.

Environmental Legislation Amendment Bill reported, with amendments.

Third Reading

Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (11.29 p.m.), by leave: I move—

That the bills be now read a third time.

In doing so, I draw the House's attention to the fact that Queensland will have a greener Christmas as a result of the passage of these bills. I take this opportunity to wish honourable members a happy and a green Christmas.

Motion agreed to.

LEGAL PROFESSION BILL

Second Reading

Resumed from 29 October (see p. 4488).

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.29 p.m.): The opposition is not going to oppose the bill before the House. We do have some concerns. Far from being rapturously supportive of it, we have decided that we will not oppose it, because there are many provisions that we think are okay and there are obviously aspects that are untested. We will have to see how things wash out in the fullness of time.

This is an extremely complex piece of legislation. It is a piece of legislation that has had a very long and arduous journey to this parliament. It has taken a number of years—probably some four to five years. It was started by the previous Attorney-General and brought to near conclusion by this Attorney-General. I understand that there will be further amendments before the parliament next year that will seek to enhance the operation of the legislation before us tonight.

It is my intention, because of the complexity of the bill, to cover a whole range of areas tonight. There will probably be a range of significant issues that I will not be able to get through in the time available to me. But in case there are some matters that I do not have an opportunity to more comprehensively explore, I will discuss the major issues and the concerns of the various organisations, firstly, and then start to go through it in detail.

Whilst not containing a definition of what constitutes 'legal practice', the bill does leave conveyancing as the province of the legal profession. I have no problems with that, as I believe there is a range of positive reasons for why conveyancing should remain the province of the legal profession. Some people might say it is anti-competitive. As far as I am concerned, it is not anti-competitive. Although there are some in the legal profession who do not really care, probably in the major centres where there is a whole range of other work, I can indicate that particularly in rural and regional areas it is absolutely essential to have conveyancing as the province of the legal profession to ensure that a range of other legal services can be maintained—for example, family law, pro bono work, which many do, other commercial law, criminal law and so on. Having a monopoly on conveyancing enables the legal profession to have a significant posting in those areas. That is enormously important also because of the professional indemnity and the fidelity guarantees that go with it. That provides a greater degree of protection that would not necessarily flow on to licensed conveyancers.

Insufficient transitional provisions exist for current students studying the Barristers Board examinations. The bill requires compulsory membership of the Bar Association and Law Society in order to practise as a lawyer. It does not contain any provision for conscientious objection to membership of either association as exists with other trade unions. The bill maintains the conflict between the role of the Law Society and the Bar Association in representing the economic interests of their members and their role in regulating the performance of their members in dealing with clients.

The government now has the dominant role in determining the level of professional indemnity insurance to be held by all legal practitioners. The bill does not encourage competition in the delivery of professional indemnity services to the profession, thus leading to higher costs in the long run. The bill does not clarify how the lawyer director of an incorporated legal practice is to balance the obligations of a lawyer to a client and the court with the obligations of a director to shareholders under the Commonwealth Corporations Act to maximise returns to shareholders. The issue of corporate governance of incorporated legal practices is ignored.

The bill transfers control of the interest on solicitors' trust accounts from the Law Society to the Department of Justice. It ignores the rights of clients to the interest on such accounts. All payments of interest on solicitors' trust accounts will now be subject to the direction of the minister, thus introducing a potential for political influence by the government of the day on the Law Society in order that the society gets money to keep its organisation running. The minister may now favour supportive political groups in authorising payments from the interest on solicitors' trust account funds. The government through the Governor in Council will control the regulations and rules under which the profession will operate in the future.

The Legal Services Commissioner should be empowered to consider all complaints, not merely those not more than three years old. Consumer disputes should not merely be referred to mediation; they should be the subject of further consideration by the Legal Services Commissioner if mediation fails. Concern is felt about the appropriateness of the Legal Services Commissioner referring matters back to the Law Society and Bar Association to investigate, given the fact that 25 per cent of complaints in recent years have found that approach unsatisfactory, that is, this approach has been unsatisfactory in many cases.

There is a lack of clarity in the bill as to how it will be determined whether a matter will be brought before the Legal Practice Committee or the disciplinary tribunal. The decision to commence a prosecution should not be one solely for the Legal Services Commissioner to make. Given the structure of the bill, both the Bar Association and the Law Society should have the capacity to initiate a prosecution, with the Legal Services Commissioner being empowered to step in and take over the prosecution or else overrule any decision not to prosecute. Concern is felt about the provision that would subject a lawyer against whom a prosecution is brought to all costs

of the prosecution and investigation as well as to the penalty. The harshness of this may facilitate a decision not to proceed with a prosecution or else encourage a finding of not guilty.

Clarification is needed about compensation orders and when they can be made if there is a potential claim against the fidelity fund. Why should a Supreme Court judge constituting a disciplinary tribunal have to be subject to the influence of a member of the lay panel and professional panel? Surely this is a reflection on the capacity of a Supreme Court judge or Supreme Court judges to make appropriate decisions. Why should members of the legal practice committee have to be approved by Governor in Council? This introduces a political element in such appointments. Why should not a complainant have an absolute right of appearance and participation at all stages of disciplinary hearings and why should not all outcomes of disciplinary proceedings be published?

Also, there should, in my opinion, be a review clause or a sunset clause in this legislation so there is a compulsory review after a minimum period of three years and a maximum of five years, because of the nature of the legislation. Also, I would like to have a better understanding from the Attorney about how the new Legal Services Commissioner and the regulatory procedures established under this bill are going to be funded. I understand that this will be funded out of the interest on solicitors' trust accounts. But we already know that that money goes into the fidelity fund. We know that it goes also into Legal Aid and elsewhere. Is this some form of magic pudding from which the government will be able to find all of this money to fund the commission and the other regulatory procedures and oversight enforcement mechanisms? What happens if there is a shortfall? How much exposure will there be to the taxpayers of Queensland? I do not believe that the source of revenue the government envisages is the magic pudding it believes it will be.

I will turn first to the matters raised by various groups and then I will flesh out some of the issues that I have raised. The Queensland Bar Association indicates that the bar as an institution does not have major concerns about the bill. This is because it gives legal recognition to the Bar Association and a statutory power to exercise some degree of discipline over members of the bar, whether members of the association or not. This has been long sought by the Bar Association.

Some concern was expressed about what might be included in the regulations and rules which were yet to be drafted, but the view was expressed that, through negotiation, these would be able to be overcome. The view was also expressed that the Bar Association did not seek to grow its staff significantly to handle the responsibilities imposed as a result of the bill.

The Queensland Law Society has indicated to me that they have some concerns. These include the timing of the commencement of the bill, funding of whatever role the Law Society is to fulfil, the lack of certainty as to whether insurance arrangements agreed to by the society will be approved by a government by regulation, the lack of involvement of the Law Society in any prosecution which is the sole prerogative of the Legal Services Commission, the necessity to obtain government approval for funding from the Legal Practitioner Interest on Trust Accounts Fund, the making of legal profession rules by the Governor in Council—that is, government rather than the profession—lack of appropriate consultation between the Law Society and the government over the bill and concern that this will continue in relation to the regulations, et cetera.

From my discussions with members of the Law Society over the last few years, it is quite clear that they preferred an all or nothing approach. It was put to me a number of years ago that they would have preferred just to have been an organisation representing the industrial interests of their members, like a trade union, and not necessarily having the regulatory role which is currently required of the Law Society. On the other hand, some maintained a view that if they were not going to have that, rather than have a half-baked proposal, the Law Society needs to maintain the current sorts of provisions and responsibilities.

A concern was expressed to me by the Law Society that what we have at the moment proposed by this bill is a half-baked solution in which the Legal Services Commission is the first port of call for complaints, that matter is then referred off to the Law Society for further investigation and then the matter potentially comes back to the Legal Services Commission. Of course the concern with that is that the Law Society is still in this invidious situation of being seen to be Caesar judging Caesar, that is, they have less responsibility than they have now in approaching it from up front, but they still have to do some investigation. But then it goes back to the Legal Services Commission. So it is a bit like being half pregnant, that is, they still cop the blame, they still have to do some of the investigation, but their capacity to be able to influence the outcome is somewhat lessened.

I can see where the Law Society is coming from with their concerns and I acknowledge the fact that the former president, Tom Sullivan, put in place a review of the procedures of the Law Society and that they had failed over a period to properly investigate and respond to the complaints made by consumers of legal services. Let me say on the record tonight that, whilst most solicitors throughout Queensland are decent, honourable people—there is only a very small minority of solicitors who do things wrong—some solicitors did do things wrong. There is no doubt about it. The Law Society up until recent times seemed to be incapable of properly handling the issues put before it. The desk audit process which they had let down people with legitimate complaints. Former Chief Judge Shanahan found that. He established that by way of his review of the procedures and the cases which were handled by the Law Society. The handling of some of the complaints which were referred to them was quite appalling. It was found wanting. I do acknowledge that Tom Sullivan started to put in place a process that was about addressing that and also that the current society is seeking to carry that on.

That is not to say that there were not genuine people heading up the Law Society in the past. Of course there were, but the procedures and the processes failed. It was not properly audited or overseen and it failed. It needed to be looked at and it was not looked at. Notwithstanding the fact that the Law Society had put in place some processes to overcome those deficiencies, I do not believe it was possible for it to overcome this whole concern, to break this nexus about Caesar judging Caesar. It needed to be seen to be at arm's length from the Law Society. What we have here is basically a half here, half there notion, and I know that is not impressing the Law Society.

Marshall Cooke, QC, Chair of the Barristers Board, indicates real concern at the lack of effective transitional provisions to assist the 168 students who are currently enrolled with the Barristers Board for study to complete their course. At present the transitional provisions will enable only a 12-month period from the commencement of the bill for students to complete courses. This is not sufficient time to permit those currently enrolled to finish their study. An approach has been made through the Chief Justice to the Attorney-General to extend the time period for current students. This may be corrected through amendments in Committee. It will be interesting to see.

The Queensland Law Reform Group is probably the most vocal of the legal consumers groups. They are essentially unhappy with the bill, claiming that it still leaves the legal profession with too much influence and control over the disciplinary process. Their criticisms include that the bill essentially rehashes the existing system under another name, the composition of the Legal Practice Committee is lawyer dominated and thus controlled, incorporation of practices will not protect consumers as it does not resolve the conflict between the lawyer's duty as a lawyer and his duty as a director to shareholders, the Legal Services Commissioner does not enjoy any independence such as in the Victorian model, the Legal Services Commissioner will hand matters to the Law Society to investigate and take to a legal tribunal if they are to be prosecuted, and there is no attempt in the bill to control fees and overcharging by lawyers. I very much share some of those concerns. I have indicated them in the list of our major concerns. In my view, if there is going to be a Legal Services Commissioner, then the Legal Services Commissioner should have the responsibility of receiving the complaints, investigating the complaints and making sure the complaints are appropriately investigated.

I have already indicated that this bill has undergone a significant and prolonged genesis and gestation period to get to this particular stage in parliament. It will be interesting to see how it progresses from here. This bill represents an attempt to react to the problems exposed by the level of complaint and particularly the cynicism expressed by significant elements of the community about Caesar judging Caesar. As I said, on certain figures, 24.24 per cent of complainants were dissatisfied with the Law Society and its handling of complaints. Those matters, of course, have been dealt with by the Legal Ombudsman who has previously expressed similar concerns.

This bill does not specifically define what constitutes legal practice. Rather, it treats legal practice as a matter determined by exception. Legal practice may only be engaged in by individuals who are properly qualified and who hold a current practising certificate. It is proper qualifications and practising certificates that determine what constitutes legal practice.

Preparation of a will by an employee of a trustee company or of a contract by a real estate agent is deemed not to constitute legal practice, nor is work by a government legal officer engaged in government work. Apart from that, what constitutes legal practice is very much determined through the mechanism for controlling admission to the legal profession. As I said

before, this bill, thus, leaves conveyancing as the sole prerogative of legal practitioners in Queensland.

In order to be admitted as a legal practitioner, a person must be over 18, have obtained appropriate academic qualifications and have completed practical legal training. What constitutes approved academic qualifications and approved practical legal training requirements is to be determined by the Legal Practitioners Admissions Board established under this act. It is clear that the policy of this legislation is to require that all future lawyers be trained at university level and to have completed practical legal training courses, which are now primarily also controlled by universities.

The end result of this will be the abolition of the capacity of people to gain admittance to the legal profession either through the Solicitors Board or the Barristers Board. Whilst this position has been long argued for by some members of the legal profession, and particularly legal academics who desire to improve the income stream of universities, many excellent lawyers have joined the profession over the years by following the professional based courses rather than joining the general stream of academic training.

The bill preserves the role of the Supreme Court in admitting persons to legal practice in Queensland. In making its decision, the Supreme Court is required to consider recommendations by the Legal Practitioners Admission Board in relation to each student. It should be noted that the Supreme Court, in admitting persons as legal practitioners, will in future only keep one Roll of Legal Practitioners rather than the separate Barristers Roll and the Solicitors Roll as previously kept. Is this a precursor to the establishment of a fused profession in Queensland? Given the length of time for the preparation of this bill, presumably the concept of a single roll has now been accepted by both the Bar Association and the Law Society as one of the things that they would surrender in order to maintain their role in other areas provided for under the bill. Neither body has raised this as an issue.

Regarding legal practice by Australian legal practitioners, provision is made for the Law Society and the Bar Association to grant local practising certificates to people who intend to practise as either a solicitor or a barrister respectively. Provision is further made to enable an interstate legal practitioner to obtain a legal or local practising certificate in Queensland. This proposal reflects the significant change in the role of the Bar Association. Unlike the solicitors' branch of the profession where, under legislation, in order to practise as a solicitor a person had to be a member of the Law Society, obtain a practising certificate from the Law Society, et cetera, to date the Bar Association has only ever been a voluntary organisation. Not all barristers in practice have been members of the Bar Association and, indeed, a number of prominent barristers, such as Des Sturgess, have deliberately resigned from the Bar Association in previous years in view of their differences with the policies and attitudes of the Bar Association.

What this bill ensures is compulsory membership of the Law Society Union and the Bar Association Union by all solicitors and barristers respectively who wish to practise in Queensland. Unlike the laws applying to trade unions, however, there is no provision in the legislation for persons who may have a conscientious objection to being a member of either of these associations to still continue to practise law. This position with the legal profession contrasts strongly with other professions—for example, the medical profession where there is no compulsion for any doctor practising in Queensland to be a member of the Australian Medical Association. Similarly, to practise as an accountant does not mean that one must be a member of the Institute of Chartered Accountants.

Any Australian legal practitioner, that is, a person duly admitted and holding a practising certificate in another jurisdiction of Australia, is entitled to engage in legal practice in Queensland. Clause 42(2) contains an unusual provision that entitles government legal officers to engage in legal practice in Queensland even if they are not an Australian legal practitioner. The justification for such a clause is completely unclear.

In order to obtain a local practising certificate, the lawyer must comply with any regulations relating to eligibility for the practising certificate. Applications for legal practising certificates must be made in accordance with the specified requirements of the relevant regulatory authorities' administration rules. Obtaining a local practising certificate can only occur if the relevant regulatory authority is satisfied that the applicant is covered by the professional indemnity insurance that complies with the act. The only exceptions are the government legal officers who can obtain a practising certificate limited to engaging in legal practice as a government legal officer, and corporate lawyers providing in-house services can obtain a practising certificate limiting them to providing in-house legal services. It contains provisions requiring notification to the relevant

regulatory authority if a person ceases to be a government legal officer engaged only in government work or ceases to provide in-house services to a corporation.

The extension of the power of the Queensland Law Society to control government legal officers and in-house corporate lawyers is open to question. Both those types of lawyers are employees who work for a wage, whereas all members of the Bar Association and most members of the council of the Queensland Law Society are partners or sole practitioners. There is a real risk that the actions of the government legal officers and in-house corporate lawyers would be subject to unfair judgment by persons whose economic and professional interests are fundamentally opposed to those of the persons being judged.

Both the Bar Association and the Law Society have long campaigned against the performance of any legally related work in government or corporations. Whilst no objection can be made to the principle of tying the right to legal practice with the general commitment to the provision of professional indemnity insurance, the type of professional indemnity insurance may be prescribed under a regulation and can be limited to a scheme approved or provided by an insurer approved by the relevant regulatory authority.

Rather than allowing individual practitioners to obtain certain levels of professional indemnity insurance from the insurance market, the effect of this bill will be that, in practice, the Law Society and the Bar Association, in conjunction with the government through its regulation making power, will determine the level of professional indemnity insurance which practitioners must obtain and also from whom they must obtain it, which is one of the mechanisms for maintaining some control over the cost of insurance and the encouragement of competitive markets for the purpose of insurance.

There is an argument that the approach contained in this legislation will facilitate the monopoly provision of professional indemnity insurance and thus increase the costs charged to legal practitioners and thus the charges that they pass on to consumers of legal services. Given the current state of the professional indemnity insurance market and the difficulties in obtaining professional indemnity insurance, there may not, of course, be much of a market in competing suppliers at the moment. However, over the years and economic cycles, markets do change. This legislation will make it difficult for potential competitors offering professional indemnity insurance to enter the market in the future.

The regulatory authority, that is, the Law Society or the Bar Association, is given the power to control the grant or renewal of local practising certificates. This sits strangely when compared to other professions such as medicine, where the decision as to whether a person is allowed to practise is determined by a government appointed body, the Medical Board of Queensland, rather than whichever grouping has been elected from time to time to control the AMA or any other doctors' representative group.

The parallel with the power of the old guilds which maintain their tight control over who is entitled to practise is maintained in the legislation. This level of control has virtually been abolished in every profession in Australia other than the legal profession. The regulatory authority is given extensive powers to impose conditions on legal practitioners.

There are a number of conditions that are to be taken to apply to all practising certificates including conditions of notification of offences, et cetera. No special objection can be made to this type of clause. It is interesting to note that where a regulatory authority decides not to grant a local practising certificate, it can remove any entitlement of a person to reapply for a practising certificate for a period of up to five years if, for example, a person had been a legal practitioner subject to discipline and was then forced to reapply for a practising certificate. This further power would in effect enable the regulatory authority to extend the punishment beyond that which was first imposed. Potential for such abuse of this power is obvious.

Provision is made for amending, cancelling or suspending local practising certificates if the person is no longer a fit and proper person, does not have professional indemnity insurance or engages in legal practice with a person who is not entitled to engage in legal practice. No objection can be made to such an approach.

An interstate legal practitioner is not to engage in legal practice in Queensland unless they are covered by a professional indemnity insurance that covers legal practice in Queensland and complies with the obligations prescribed in the regulations similar to those prescribed for Queensland professional indemnity insurance. Presumably these provisions reflect the agreements that have been made at the Standing Committee of Attorneys-General to facilitate interstate practice across the various Australian jurisdictions.

Regarding incorporated legal practices, it is possible for an incorporated legal practice to provide legal services in Queensland. The authority that controls incorporated legal practices is the Legal Services Commissioner, the Law Society or the Legal Services Commissioner and the Law Society acting jointly under an arrangement. An incorporated legal practice may perform any services that a corporation may do other than running a managed investment scheme under the Corporations Act or any business that might be prohibited by a particular regulation.

Any corporation is eligible to be an incorporated legal practice. However, it must give the Law Society written notice of intention to do so. Thus Coles Myer can set up its own legal practice in due course—an option adopted by a number of retail operators in the United States. Any incorporated legal practice is required to have at least one lawyer director, and it is upon the lawyer director that the obligations for the management of the legal services provided by the corporation and for complying with appropriate management systems are imposed. However, nothing is said about the conflict that can arise between the obligations of a director to maximise profits for shareholders and the obligations of a lawyer to act in the best interests of a client.

I turn to the matter of the lawyer director assuming responsibility for unsatisfactory professional conduct or professional misconduct by the practice. If a lawyer director is not part of an incorporated legal practice for a period of seven days, then the right to practice of that corporation is lost. Legal practitioners providing legal services for an incorporated legal practice as employees or officers must comply with appropriate professional standards. The same obligations that apply to legal practitioners as regards insurance apply to incorporated legal practices. It imposes disclosure obligations upon lawyers working for incorporated legal practices. Similar provisions apply in relation to fidelity funds, et cetera.

Only the Legal Services Commissioner or the Law Society may conduct an audit of the incorporated legal practice. Powers are provided under the division to examine people, inspect the books, et cetera. The Legal Services Commissioner or the Law Society may apply to the Supreme Court for an order disqualifying the incorporated legal practice from continuing to provide legal services. Provision is made for exchange of information between the Law Society and the Legal Services Commissioner and ASIC. It contains provisions enabling administration and receivership for an incorporated legal practice.

I turn to financial arrangements in relation to legal practice. This part removes from the Law Society's current control interest on solicitors' trust accounts and places it with the Department of Justice. Regulations can be made requiring solicitors to deposit sums of money in prescribed accounts. The chief executive of the Department of Justice is empowered to enter into arrangements with financial institutions for the payments of interest on such accounts. This establishes a Legal Practitioner Interest on Trust Accounts Fund into which interest is to be paid so that it does not form part of the consolidated fund. The fund is established as part of the departmental accounts and, whilst not received on behalf of the state, is money that comes from the purview of other money under the Financial Administration and Audit Act 1977.

The chief executive of the Department of Justice is empowered to make payment from the funds for a number of purposes. However, the Minister for Justice must make an initial decision as to whether a payment is to be made and the amount of the payment and any conditions applicable. Whilst this is able to be the subject of any recommendation from the chief executive, the reality is now that the Minister for Justice will determine the distribution of moneys from the Legal Practitioner Interest on Trust Accounts Fund.

This represents a significant transfer in political power from the existing Law Society to the Minister for Justice. It also now opens the payment of such funds to political horse trading in decision making. Bodies to which payments can be made include the following: Legal Aid Queensland, the fidelity fund, the Supreme Court Library, the Legal Services Commissioner, a disciplinary body as established under the act, the board as established under the act, to meet part of the cost of regulatory functions of the Law Society or the Bar Association, a grant by the minister for the advancement of law reform, collection, assessment and assimilation of information concerning legal education, the law, legal system, law reform, legal professional and legal services or facilitating access to the legal system, et cetera, and the Department of Justice for the cost of administering this element of the act.

Provision is made for the continuation of the payment of any undertaking previously agreed to under the existing legislation by the Law Society. What, in effect, is now occurring is that interest earned on solicitors' trust accounts—which, after all, represents money earned on the money of clients of solicitors—is now to be used under the control of the minister rather than the Law Society, as currently is the case, to fund a variety of activities, including those that are

obviously the clear responsibility of the government and which should be met from the consolidated fund and general taxation pool. Given the current technology already utilised by banks where they are able to pay interest on the short-term money market on periods significantly under a day's duration, it is surely not beyond the bounds of technical feasibility to devise a mechanism for the payment of interest on moneys held in solicitors' trust accounts to the persons really entitled to such moneys, that is, the relevant clients of solicitors.

The bill continues the lazy approach by successive governments of tapping into interest money paid on deposits in solicitors' trust accounts in order to avoid the difficulty of raising revenue to carry out the government's policy objectives. This, however, is now compounded by the political nature of the decision-making process involving the minister for the time being. There is no doubt that those bodies and groups which find political favour with the minister will succeed in receiving payments under this provision, whereas those bodies which are out of favour with the minister will find funding reduced and/or failing.

The capacity of government to blunt potential criticisms through the potential of withdrawing funds is thus enhanced. In addition, there is no reason why, if the Law Society and Bar Association are to have a regulatory role, their costs should not be met by the persons who are being regulated, that is, by solicitors and barristers themselves rather than by their clients.

The Governor in Council is empowered to make rules respectively for solicitors, barristers and incorporated legal practices to deal with any aspect of legal practice, including standards of conduct. A barrister's rule may prohibit a barrister from engaging in legal practice other than as a sole practitioner or in partnership with any person or as the employee of any person or holding the office of lawyer director of an incorporated legal practice. This does not mean that the rule must so provide.

Similarly, solicitors or barristers rules may be applied to government legal officers. This again raises a significant conflict of interest between private sector legal practitioners who are represented by the Bar Association and the Law Society and legal practitioners who are salaried employees. The making of a rule for an incorporated legal practice cannot regulate any service other than legal services. The Law Society and the Bar Association may make recommendations to the minister about rules. This does not mean that the minister must necessarily have regard to the recommendations of the respective societies. Similarly, the legal practice committee established that it can also make recommendations to the minister about any legal professional rule.

Where either the Law Society or the Bar Association proposes to make a recommendation about a legal professional rule, it is required to advertise it in a daily newspaper and seek comments or submissions for a period of at least 21 days. Before even publishing this recommendation, the permission of the minister has to be obtained. The minister is now thus in a completely dominant position in relation to rules regulating all aspects of legal practice. One question which therefore arises is the potential for conflict between the exercise of power by the minister and the Governor in Council in making rules of legal practice and the right traditionally vested in the judiciary to control legal practice. There is a real potentiality for conflict between the executive government and the judiciary contained in this legislation which does not contain recognition of the principle that lawyers remain officers of the court. How this will work in practice is yet to be made clear.

The Law Society and the Bar Association are empowered to make administration rules other than legal profession rules. The types of matters that can be covered by administration rules are dealt with and deal primarily with courses of study that one needs to undertake, the price of practising certificates that will be granted, the exemption of persons from completing a course of study and details concerning supervised legal practice, forms, fees, et cetera.

In addition, the Law Society and the Bar Association are empowered to make what is termed 'indemnity rules' dealing with issues involving indemnity insurance. It allows for a regulation to be made for any matter for which an administration rule can be made, thus enabling the regulation to overrule any administration rule that is made. There is considerable complexity contained in this proposed hierarchy of rules. It seems to reflect a desire by the government to allow the Law Society and the Bar Association to continue to deal with what would be basically machinery matters but have the government through Governor in Council and the minister continue to exercise close control and absolute power over those matters in which they choose to intervene. It certainly reflects a significant shift in power and potentially responsibility over legal practitioners to the Minister for Justice.

I turn to interjurisdictional provisions relating to admission and practising certificates. This part basically deals with exchanging information between various Australian jurisdictions in relation to individuals seeking to practice in those jurisdictions. Presumably this reflects agreement arrived at at the Standing Committee of Attorneys-General.

I turn to complaints, investigation matters and discipline, et cetera. This part sets out a new regime for dealing with complaints concerning professional misconduct by lawyers in Queensland. It is clear that it applies to lawyers who practise in Queensland, hold a Queensland practising certificate, reside in Queensland, have an office in Queensland, are a lawyer/director in an incorporated legal practice in Queensland or are a government lawyer in Queensland. Unsatisfactory professional conduct or professional misconduct, in addition to being constituted by offences or bankruptcy, are also constituted by the charging of excessive legal fees or costs, et cetera. That is covered under clause 164. Conduct to be considered from a point of view of professional misconduct need not occur within Queensland or indeed Australia. The Legal Services Commissioner is subject to an obligation to deal with complaints received as efficiently and expeditiously as possible, and also to inform the complainant about how a complaint is dealt with.

In regard to making complaints—an entity, including presumably a person, may make a complaint in writing to the Legal Services Commissioner about the conduct of an Australian lawyer. For government lawyers, however, complaints may only be made by the Law Society or the Bar Association or a chief executive of the department of which the government lawyer is an employee. The complaint in writing is required to describe the alleged complaint. The commissioner may give written notice of the complaint to a complainant to require further information including by means of a statutory declaration and to obtain a waiver of legal professional privilege.

It contains the peculiar position entitling the Legal Services Commissioner, where a complaint deals with matters more than three years old, to refer the matter to mediation or to dismiss the complaint. It would seem that such a clause has been incorporated in order to prevent the newly established Legal Services Commissioner from being overwhelmed by complaints in relation to matters that have previously been dealt with by the Law Society in a manner that the complainant considers to be unsatisfactory.

The Legal Services Commissioner is given a power to dismiss complaints for a number of reasons, including whether they are vexatious, frivolous or misconceived. One of the bases for dismissing a complaint under this clause is that the matter has previously been the subject of a complaint to the Law Society or the Bar Association.

Regarding mediation for complaints involving consumer disputes, complaints involving matters other than unsatisfactory professional conduct or professional misconduct coming from within the definition of consumer dispute may be referred by the Legal Services Commissioner to a mediation process. It should be noted, however, that where the complaint is categorised as a consumer dispute solely, the complainant has no further recourse other than presumably to resort to litigation if the mediation fails because the commissioner is not required to take further action. However, where the matter involves both consumer dispute and professional misconduct, the professional misconduct matters can continue to be dealt with if the mediation does fail.

As to starting investigations based on complaint or without complaint, it would seem that once the Legal Services Commissioner receives a complaint, the matter would primarily be referred to either the Law Society or the Bar Association for investigation and report back to the Legal Services Commissioner. This raises the fundamental issue that has bedevilled the Law Society in particular over recent years of members of that society investigating the actions of their own members with such investigations not occurring on an arm's length basis.

The commissioner must investigate a matter if satisfied that it is inconsistent with the public interest in the matter for it to be investigated by the Law Society or the Bar Association, or if it is in the public interest for the Legal Services Commissioner to investigate the complaint. This, however, is a difficult test to satisfy, so the vast majority of complaints under the bill will continue to be dealt with by the Law Society, in particular at the investigatory stage, as is currently the case.

It requires the lawyer, the subject of the complaint, to be notified in writing of the nature of the complaint, the identity of the complainant and the action being taken. Whilst this obligation to notify can be delayed if it is considered that the investigation might be prejudiced by notification, it

certainly seems to be the situation that the lawyer complained about will be given early notice of the complaint prior to any investigation being undertaken.

The Law Society and the Bar Association must report to the Legal Services Commissioner on the investigation and their findings. The Law Society and the Bar Association can require the lawyer, the subject of investigation, to provide a full explanation of the matter being investigated, appear before the Law Society or the Bar Association and produce any documents, et cetera.

I turn to the part dealing with discipline. This part deals with the role of the commissioner following the completion of an investigation. The decision to commence disciplinary proceedings is one for the Legal Services Commissioner to make. The commissioner has the power to dismiss a complaint or investigation if he is satisfied that there is no reasonable likelihood of a finding of unsatisfactory professional conduct or professional misconduct, or if it is in the public interest to do so. Written notices are required to be given to both the complainant and the lawyer.

The Legal Services Commissioner has a choice—to apply either to the Legal Practice Tribunal for an order or to apply to the Legal Practice Committee. The disciplinary tribunal is established under part 2 of the chapter, whilst the Legal Practice Committee is established under part 3 of the chapter. The tribunal appears to be a superior body to the committee and to be more powerful as it is composed of Supreme Court judges. However, it is not clear from the legislation on what basis a decision will be made as to whether the matter should be brought before a disciplinary tribunal or a Legal Practice Committee.

The power of the tribunal to make decisions is set out. That includes removal from the roll and cancellation or suspension of practising certificates and fines up to \$100,000 or compensation orders. By contrast, the committee has a power to reprimand, fine up to \$10,000 and make a compensation order, et cetera. However, it is unclear as to whether or not matters can be moved between the tribunal and the committee and vice versa if it becomes clear that the proceedings of the matter should be more properly dealt with by the other disciplinary body. Certainly proceedings before the tribunal will be more formal as it is a proceeding before judges of the Supreme Court. However, this is a matter that still needs to be properly explored.

One interesting matter to note is that the disciplinary body, be it the committee or the tribunal, is required to make an order requiring the guilty lawyer to pay costs, including the costs of the commissioner and the complainant, unless the disciplinary body is satisfied that exceptional circumstances exist. In addition, even a person who is found not guilty can be ordered to pay costs if the disciplinary body is satisfied that the sole or principal reason why the proceedings had started was a failure to cooperate with the Legal Services Commissioner or the Law Society or the Bar Association, or if there is some other reason warranting the making of an order in the particular circumstances.

There is some grave concern that a power of this type could be open to abuse. After all, in the criminal justice system no costs are awarded. In the civil justice system, even where costs are awarded, they are normally on a party and party basis, not a solicitor/client basis, and again the costs of the court are never paid to one party or the other. Costs in a particular matter which was extensive in investigation and hearing can be enormous and there would therefore be a tendency for both a tribunal and a committee to avoid a finding of guilt because of the financial consequences of such findings. A lawyer guilty of professional misconduct under this provision faces not only the loss of his profession and not only the payment of compensation to an affected party but also the payment of the total costs of the Legal Services Commissioner and the complainant. The commissioner is, after all, the representative of the community. Provisions of this type arguably go too far.

I turn to compensation orders. It sets out the definition of a compensation order which covers not only fees charged by a law practice; it can also include pecuniary loss arising from unsatisfactory professional conduct or professional misconduct. The concept of a compensation order is new in the disciplining of lawyers. It should be noted that the pecuniary loss compensation cannot be ordered if a person is entitled to receive compensation under an order that has been made by a court or compensation from a fidelity fund payment that has been made or decided. However, if no court order has been made or no fidelity fund application has been determined, then it would seem that compensation for community loss can be ordered.

The question then arises: what happens if subsequently there is an order made by a court or if an application to the fidelity fund is continued? Does the compensation order terminate the right to claim against a fidelity fund? It purports to provide that a compensation order does not affect any other remedy available, but the compensation orders must be taken into account in any other proceedings. It purports to limit monetary compensation to only \$7,500, unless the complainant

and the law practice consent to the order. No reason is provided as to why such a monetary limitation is imposed. If the principle of the compensation order is to be incorporated, then why impose a monetary limit at all? This is an issue that needs to be pursued.

With regard to appeals from decisions of disciplinary bodies, appeals can be made to the Court of Appeal either from decisions of the tribunal or the tribunal against a committee decision or to the Court of Appeal in relation to a decision of the committee that has become an order of the Supreme Court. As such, no objection can be made to this part. With regard to the publication of disciplinary actions, under this part the Legal Services Commissioner is required to keep a discipline register containing details of disciplinary action taken against all lawyers with the disciplinary register to be available on the Internet. In addition, the discipline register may be published in any other way considered appropriate. The discipline register is not to contain details of information of disciplinary action taken because of infirmity, injury or illness. Absolute protection is provided to the publication of information on the register. Linda Haller, lecturer in law at the University of Queensland, has criticised strongly this limitation on publication of disciplinary proceedings. These comments are worth reading, and I encourage members to do so. Under this part, provision is made for exchange of information between relevant authorities in other jurisdictions concerning exchange of information concerning disciplinary proceedings taken against Australian lawyers.

With regard to miscellaneous issues, this contains various provisions covering performance criteria, reports to the minister, improper disclosure of information, protection from liability, confidentiality of client communications and waiver of legal professional privilege. With regard to the establishment of entities for this act in related matters relevant to the Legal Services Commissioner, this part contains provisions for the appointment of a Legal Services Commissioner. One peculiar provision, however, is one which enables the minister to recommend to the Governor in Council an individual who is not an Australian lawyer. That is quite interesting. The justification for that provision is not clear. Surely the Australian legal system is big enough and mature enough to enable a particular person who is an Australian lawyer to be appointed to this position. One can be suspicious to think that this clause has been put into the bill because a particular person has already been selected for the position. This suspicion is heightened by the action of the Attorney-General in advertising for applications for appointment to the position even before the legislation is passed by the parliament. Most of the other provisions under this part are fairly standard provisions for bodies such as the Legal Services Commission.

With regard to the disciplinary tribunal, this part establishes the Legal Practice Tribunal which constitutes all of the judges of the Supreme Court of Queensland with the Chief Justice as the chair. The tribunal can be constituted by one judge. There are established what are termed lay panels and practitioner panels, with practitioner panels consisting of both barristers and solicitors. One member of the lay panel and one member of the practitioner panel are to sit with the tribunal and help the tribunal in hearing and deciding a discipline action. This is a very strange proposition, particularly as the tribunal is to be comprised of the judges of the Supreme Court of Queensland, who, in exercising their powers as judges, do not need the help and assistance of lay persons or legal practitioners. Why are they being subject to this kind of control? If a matter is serious enough to warrant its bringing before the tribunal, then surely the community has enough faith in judges of the Supreme Court in Queensland to carry out their obligations in accordance with the law so as not to require them to be subject to influence by either lay persons or legal practitioners.

Lay members have to have high level experience and knowledge of consumer protection, business, public administration or any other relevant areas and not be lawyers, whilst members of the practitioner panel have to have a practising certificate for five years. Members of the lay panel are entitled to be paid. However, no provision seems to exist to pay members of the practitioner panel. Again, this is another strange anomaly in this legislation. A further problem with the tribunal is contained in the bill which empowers the Brisbane registrar, which is defined to be the Registrar of the Supreme Court, to choose the two panel members—that is, the member of the lay panel and the member of the practitioner panel—and have them approved by the tribunal member. It is important to note that if a person complained about is a barrister, then the practitioner panel member may be a barrister. Similarly, it must be a solicitor if it is a solicitor. The bill gives the tribunal and panel members all the protections and powers as if they were Supreme Court judges while serving on the tribunal. This is a very peculiar approach.

With regard to the Legal Practice Committee, this part provides the establishment of the Legal Practice Committee which is to be appointed by the Governor in Council and comprises a chairperson, two solicitors, two barristers and two lay members, all of whom are supposed to have high level experience and knowledge of the legal system and legal practice. This is purely a

ministerial recommendation to the Governor in Council, although nominations may be made by the Law Society and the Bar Association. Similarly, the minister must be satisfied in relation to the lay members that they have high level experience and knowledge of consumer protection, business or public administration or know of the relevant area but are not an Australian lawyer or otherwise legally qualified.

The potentiality for political influence in making this decision is thus clear. Lay members of the committee are entitled to be paid remuneration and allowances, but apparently, as I said, the chair, solicitors, et cetera, are not. Provision is made for the Legal Practice Committee to provide advice to the minister about legal profession rules. On the other hand, it contains a provision in relation to disciplinary hearings which must be heard by a committee constituting the chairperson, a local legal practitioner chosen by the chairperson and a lay member chosen by the chairperson. The legal practitioner must be either a barrister or a solicitor depending upon who is the subject of the proceedings.

With regard to the provisions applying to each disciplinary proceeding, the parties to a disciplinary action before either the tribunal or the committee are the Legal Services Commissioner and the lawyer complained about, both of whom are entitled to appear at the hearing. It limits the right of appearance of the actual complainant only to those aspects of the hearing that relate to a request for a compensation order and any other aspects if the disciplinary body grants leave to the complainant to appear. Indeed, the disciplinary body may grant leave to another person to appear if it is satisfied that it is appropriate to do so. However, because the original complainant is going to be thus limited in their right to appear before the disciplinary proceedings, there is no doubt that many complainants will in due course be dissatisfied with the efforts of the Legal Services Commissioner in properly representing their views. This will no doubt become the subject of some considerable public complaint.

The Queensland Law Society is extremely concerned about the fact that whilst it is the body that will conduct most investigations under the direction of the Legal Services Commissioner it has no role in the prosecution of a solicitor for professional misconduct. It objects to being confined purely to the role of policeman as opposed to that of prosecutor. This raises a fundamental question as to whether it is appropriate for what is essentially the lawyers' trade union to also continue to fill a role in discipline. It highlights the dilemma that has been reflected in publicity over recent years in reports such as the Shanahan report and those of the Legal Ombudsman.

With regard to the conduct of proceedings, normally hearings before disciplinary bodies will be open to the public, but there is a power to direct that they be fully or partially closed. However, to do so it must be desirable for this to occur in the public interest. It provides that the disciplinary bodies must comply with natural justice, not be bound by rules of evidence, act quickly and with as little formality as possible. However, some cynicism may be expressed in relation to such principles applying to a hearing before the tribunal, particularly as it is composed of judges of the Supreme Court and particularly in view of the drastic consequences of a finding of guilty by the tribunal. It purports to provide that allegations of fact are to be determined on the basis of the balance of probabilities.

However, there is then the peculiar subclause that says that the degree of satisfaction required varies according to the consequences for the relevant lawyer of the finding of an allegation to be true. Given the drastic nature of the finding of guilt before the tribunal, one would imagine that the finding of fact will almost certainly be akin to proof beyond reasonable doubt. With regard to the powers of the disciplinary body, these provisions are basically machinery and do not cause any problems. There are many other matters which I could cover. They are important. I notice that other members—

Government members interjected.

Mr SPRINGBORG: I could take longer than 60 minutes if the minister wishes to move it. Quite seriously, this is very serious legislation. It is comprehensive and complex legislation.

Mrs Reilly interjected.

Mr SPRINGBORG: I have so. A whole range of issues needs to be canvassed. There is a range of issues that I hope the Attorney will respond to when he is summing up. It will be interesting to see, as this legislation goes through its implementation process, whether many of the issues I have raised tonight come to fruition. I look forward to the Attorney's further advice and interaction with the Law Society.

Time expired.

Debate, on motion of Mr Welford, adjourned.

ADJOURNMENT

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (12.30 a.m.): I move—

That the House do now adjourn.

Dairy Industry

Miss ELISA ROBERTS (Gympie—Ind) (12.30 a.m.): As most honourable members would be aware, the effects of deregulation upon the dairy industry in Queensland have been in many cases difficult to endure, with many farmers being forced to leave the industry, others remaining but barely making ends meet, and there are also those who have become suicidal. Those who reside in either rural or regional Queensland would be aware that not a lot has changed for dairy farmers, and this is no less apparent than in my electorate of Gympie.

Recently, the chief executive officer of Woolworths visited Gympie at the request of Ron Boswell. The Nationals are busy back-peddalling and desperately trying to win back the support base they lost when their federal counterparts deregulated the dairy industry. However, this recent meeting failed to achieve anything positive for the dairy farmers whom I represent. The CEO stated that he was not able to give any more money to milk producers but that he would ring the Prime Minister. Whilst the poor old CEO of Woolworths could not spare any money to pass on to the dairy farmers from the sale of milk in Queensland, it has come to my attention that a small supermarket located north of Gympie is able to sell Pauls milk for \$2.29 for a two litre bottle, whereas Woolworths in Gympie sells the same milk for \$2.82. Naturally, this small supermarket would not have the enormous buying or bargaining power of a major chain, so why is it necessary for Woolworths to make such a huge profit when a small store can sell milk at such a low price and still make a profit?

We all know what milk producers receive per litre for their milk, and this is rarely enough for a producer to even break even. I find it reprehensible that large supermarkets are able to make such incredibly high profits while the people who do the hard yards to ensure that fresh milk is kept on the shelves hardly reap any benefits at all. To a dairy farmer every cent counts. If these large supermarkets had any compassion whatsoever they would be prepared to pass on some of their profit margin to those on whom they rely so much and who are in such financial straits. It is time that people such as the Woolworths CEO did the Aussie thing and helped their mate.

Mirikai

Mrs REILLY (Mudgeeraba—ALP) (12.33 a.m.): Last week I had the pleasure of accompanying the Attorney-General at the official opening of a building extension at the Mirikai drug rehabilitation facility at Burleigh. This \$250,000 extension will greatly enhance the already extensive service offered by the Gold Coast Drug Council housed at the Mirikai centre. The extension includes a new upper story, with offices for visiting doctors and psychiatrists as well as existing staff, three counselling rooms and a group meeting room. The extension was jointly funded by the Jupiters Casino Community Benefit Fund, Queensland Health, the Xavier Society and donations.

Mirikai is a 40-bed residential rehabilitation facility for 17- to 29-year-olds and takes clients from all over Queensland. There is an enormously high demand for the service, which provides a comprehensive and holistic program and therapeutic community model. It is an approach that works, and Mirikai is known Australiawide and recognised internationally for its success in turning around the lives of desperate young people who are trapped by the nightmare that is drug abuse.

No matter how much I extol the virtues of this unique facility, my words cannot express or match those of a young man called Troy who spoke with enormous poignancy at this opening. He had a difficult and emotional story to tell. He displayed enormous courage and insight in telling the gathering of some 60 strangers his tale. Troy is one of 72 graduates of the drug court program. Mirikai has eight beds committed to providing intensive rehabilitation to people on court orders—orders designed to help people kick their habit, turn their lives around and stay out of jail. For many young people like Troy who are caught up in the cycle of crime and drug abuse the drug courts diversionary program provides the final and only chance to get straight and to survive.

Mirikai also provides a whole range of complementary services, such as halfway houses, after-care and employment support, out-client services and support groups. But one of the most important services it provides is the care of young people suffering dual diagnosis, that is, a drug

use and mental health disorder. This is something that many health professionals around the Gold Coast and further afield are struggling to manage effectively.

I commend all those involved in Mirikai—the dedicated and caring staff, in particular the visiting specialists, clinical director Mary Alcorn, and Gold Coast Drug Council President Sean Cousins, because they are tireless in their efforts to help young people who are struggling with substance abuse. I congratulate Troy and all of the other residents and graduates of Mirikai on their courage and determination to change their lives and to move forward for the better. It was a delight to be in the company of the Attorney-General at that opening. I congratulate them on their work.

School Fundraising Trail Bike Rides

Mr HOPPER (Darling Downs—NPA) (12.36 a.m.): Tonight I wish to speak about school trail bike fundraisers in our schools in south-east Queensland. The history of this fundraising ride started with Mr John Nation and Mr John Green, some 26 years ago, with the Bunya trail ride at the Bell State School. This school ride has raised a \$260,000 profit, which has subsequently funded the levelling of two school ovals, construction of a dam and fencing of the same, a multipurpose tennis court complex and a shed, with future projects being planned for the commencement of airconditioning of the school buildings. Imagine what this has saved the Education Department.

For the past few rides held at all schools the main tracks travelled would have totalled 69,412 kilometres, the novice track 2,450. Over the past 26 years, this would give a conservative total of 1.3 million kilometres travelled, without a life-threatening injury. These figures are based on a recent survey detailing responses from long-term participants—nine years—as well as for the Bunya and Quinalow trail rides. These figures are based on 2,000 riders. However, they have a mailing list of 6,500. This covers fuel for bikes, food and drinks, riding gear, riders, purchases of beer, rider entries of \$62,650, an average of \$10,000 spent per rider at P&C canteens, car repairs, vehicle registration, trailer registration, trailer repairs, bike running costs, tyres for bikes and bike purchases. This adds up to over \$104 million.

Mr Brett Hampson from Honda Australia, state sales manager of Queensland, detailed results of a survey indicating that off-road trail motocross enduro riding is worth \$200 million a year in south-east Queensland. South-east Queensland boundaries are from Gympie to Tweed Heads and west of Toowoomba. He also indicated that an independent survey by the Department of Sport and Recreation showed that off-road trail riding is engaged by seven per cent of population in south-east Queensland. A rider statistic is that 58,200 riders have travelled over seven million kilometres in the history of all our trail rides, and to date we have had no cases of paralysis, no amputations and no deaths—until just recently, which was extremely unfortunate. Throughout this period there have been probably only two serious accidents, resulting in 100 per cent recovery.

The landowners donate their land to the P&C association for the fundraising rides. Marsh Insurance Brokers from the QCPCA request that the land-holders advise their insurers that the trail ride is being held on their land. Obviously, these insurers, not understanding the situation, give a definite no to the land-holder in regard to the ride. This is our first problem. In reality, we believe that the landowner should not even have to contact his insurer as the land is donated for the school fundraising activities and should be covered by the QCPCA and Marsh Insurance Brokers. The other area that causes concern to land-holders is the statement of QCPCA Insurance that the landowner is noted as an interested party and can only have problems if found guilty of negligence. Surely as the land is donated to the P&C association, if there is a case of negligence it would rest with the P&C and its trail coordinators, as the trail has been marked, checked and double checked to ensure that it is safe for less than average or experienced riders.

Time expired.

Burdekin Electorate; Round-a-Bout

Mr RODGERS (Burdekin—ALP) (12.39 a.m.): Tonight I rise to speak with pride about a group of sincere and dedicated people in my electorate who have been recognised for the work that they carry out to keep the lines of communication open for older people in the Burdekin district of my electorate. Last week, Rob Lesca and his team of volunteers from the Burdekin Community Association's Older People's Action Program won the Older People Speak Out Media Award for a Queensland senior specific newsletter. This award was among several presented by the Minister

for Families and Minister for Seniors on Thursday night last week, 20 November. The aim of the awards is to recognise the important role that media plays in portraying older people and their issues in a fair and balanced way.

The Burdekin Older People's Action Program in my electorate produces a monthly newsletter called the *Round-a-Bout* for seniors. Especially in the past 12 months it has grown to become very much part of the media scene and social life throughout the Burdekin.

The *Round-a-Bout* began its run shortly after the Burdekin Older People's Action Program was initiated two and a half years ago. It began as a small newsletter of about four pages on one leaf of A3 paper with a print run of about 500. Today with issue No. 20 to be published in December, it is much more substantial at 24 pages and around 1,300 copies printed in the initial run. Requests for copies sometimes mean that another 200 or so are run off. I suspect that they could print 2,000 copies and still might have trouble meeting the growing demand for this unique publication.

The newsletter is filled with newsy items, information for seniors, a range of columns, health advice, photographs, gossip, recipes, jokes—you name it, it is in the *Round-a-Bout*. I am proud to be associated with this newsletter. My electorate office prints the newsletter and currently 1,500 copies are run.

The focus of the newsletter is, of course, our local seniors. It is produced by seniors for seniors. However, it is obvious to me that the newsletter is sought by many Burdekinites—not just our seniors—which accounts for the high profile enjoyed by the *Round-a-Bout*. In this respect the *Round-a-Bout* makes an important contribution to the community and to the liveability of our area.

A lot of blood, sweat and tears goes into the production of this outstanding publication. The coordinator of the Burdekin Older People's Action Program, Rob Lesca, and his team of volunteers put many hours of work into this.

Time expired.

Seafood Industry

Mr ROWELL (Hinchinbrook—NPA) (12.42 a.m.): I rise tonight to speak about the seafood industry and to highlight for the House the difference in approach between the federal coalition parties and the Labor Party in Queensland in taking care of this vital industry to coastal Queensland. The federal coalition recognises the potential for the Representative Areas Program to have a significant impact on the industry and they commissioned economic research into those impacts through the Bureau of Rural Sciences. When the BRS report concluded that significant impact on the commercial fishing industry would result—over \$10 million annually—they committed to developing a package that would offset these impacts. They did this because they valued the security of commercial fishing licences and they understand that commercial fishers, in common with any other business operator, need certainty and security for their business.

But not so the Labor Party in Queensland. The major plan that has affected the Queensland seafood industry this year is the state Labor government's coral reef fin fish plan. Members of the House will recall that this plan cut commercial catches from about 4,800 tonnes to 3,061 tonnes and reduced licences from 1,700 to less than 400. The debate here is not whether a plan was needed for this fishery; indeed it was the coalition who first signalled our intent to properly manage this fishery back in 1997. The debate here is about how the Beattie government has dealt with the impact of the plan.

The Queensland Seafood Industry Association estimates that the loss in value of the catch at between \$20 million to \$30 million, two to three times the impact of the RAP. The QSIA also estimates that about 500 jobs will be lost. This is very significant. However, despite the clear potential for the plan to have a massive impact on coral reef fisheries, the Labor Party did not commission research into the impacts on industry or coastal communities. Indeed, they had the arrogance to say in the regulatory impact statement proposing massive catch reductions that it would have no effect on the industry. They have slashed commercial fishers' livelihoods and then simply cast them aside. Not surprisingly, fishers were angry.

The Labor Party has done this because they do not care about fishermen. Then there are issues of Fraser Island in which a dozen fishing families were needlessly locked out, Baffle Creek in which two fishing families were shut out of the area without a red cent, and the spotted mackerel fishery in which 40 to 50 fishing families are now wondering how they are going to afford Christmas presents.

Time expired.

Couran Cove Resort; Gold Coast City Council

Mrs CROFT (Broadwater—ALP) (12.45 a.m.): In 1990 the Gold Coast City Council approved the development of Couran Cove Resort on South Stradbroke Island. Since this approval, the car parking requirements imposed by the council for Couran Cove have been manifestly inadequate, a fact that can be confirmed by many residents at Hollywell and Runaway Bay. Couran Cove is now applying to develop a ferry terminal and car parking facility on Jabiru Island.

In 1989 under the National Party government, the Gold Coast Waterways Authority issued a lease to Hughes Haulage for a section of Jabiru Island to be used for stockpiling sand and barge landing. In 1996 the purpose of the lease was transferred to Boral Resources. This lease is now due to expire on 31 March 2017.

Couran Cove Resort is now seeking to take over this lease. A critical part of this process has been a material change of use application lodged with the Gold Coast City Council. Without the approval of the material change of use application, Couran Cove would not be able to proceed with this development.

A significant number of local residents have expressed their grave concerns about this proposed development. Residents feel that the proposal would be an inappropriate use of the site in light of the majority of the rest of the island being parkland.

Council has received over 460 submissions and 10 petitions expressing objections to the proposal. Nonetheless, the Gold Coast City Council's Planning and Development Committee yesterday voted to give the provisional approval to the application, a decision which I understand must be formalised by the full council on Friday. This decision by council has upset many residents who are opposed to the proposal.

I have met with many residents, including members of the Jabiru Action Group, on many occasions. I have arranged meetings with residents and departmental officers, attended their public rallies and organised for a delegation of residents to meet with the Minister for Natural Resources. These residents are sincere in their belief that this proposal will negatively impact on their quality of life and the amenity of the local area. They are disappointed that the councillors, through either their silence on the matter or their support for the proposal, have opted to overrule their concerns.

The council has sought advice from several state government departments and agencies. This advice is given in order to outline that, should council approve the application, these are the steps needed to be taken by the applicant in order to satisfy the requirements of these departments and agencies. They simply provide advice to council. It is not good enough that the council is trying to pass the buck by telling us that none of the departments have given a blanket refusal to the application. It is not their role to approve or refuse the material change of use application. That is why we have a council, and the council should not simply ignore the residents.

I will continue to do all I can to ensure that the concerns of the residents are heard and addressed. I call on the Gold Coast City Council and the local councillor in particular to listen to the residents and reject this application at Friday's meeting and to work towards finding a more suitable site for the ferry terminal site.

Hospital Waiting Lists

Miss SIMPSON (Maroochydore—NPA) (12.48 a.m.): The Beattie government's so-called health report penned by the Premier's spin doctor has backfired and sparked community anger. The public do not want spin doctors; they want real doctors. My office always receives considerable numbers of calls from constituents from around the state who need help in accessing the hospital system. Since the health report of the government came out, this has increased. People are angry because they are not getting timely access to the system. In many areas—and certainly on the Sunshine Coast—it has, in fact, got worse.

I was talking to one gentleman who has been told that it will be at least 12 months before he can see a specialist to even be considered for surgery. That is a specialist through the public system for orthopaedic surgery.

For eye surgery, it takes about five years to see a specialist before getting on the waitlist for surgery. That is appalling because we have people in real pain and people in real difficulty, yet this government will not address the waiting list, which involves those who have to wait years just to see a specialist.

I have been receiving a considerable number of calls, particularly increasing in the last few days, from doctors as well as specialists from around the state who are saying that they have had a gutful. They have worked their hearts and souls out and they are walking out of the system because they are hitting their heads against a brick wall. They have not been listened to. That concerns me because these are highly qualified people who have given excellent service, and they are getting out. They are burnt out and they are getting out because they have found that their concerns and their suggestions about how to provide a better service have been ignored.

I will also address the issue of cancer services. This is not only a matter of more money, but it is about better management. Under this government, and this was not reported in the Premier's spin doctor report, cancer services have been degraded to the point where we have seen some of the worst waiting times ever. There is up to a 15 week wait for radiation therapy and a considerable wait for radiation therapy services for people who are not elective surgery patients. They are people with life-threatening conditions.

Once again, I call on the government to open up more opportunities for access to cancer therapy services in the regions. On the Sunshine Coast there is an opportunity to purchase access to services immediately off the private provider. We can provide public access in the same way as occurred when Townsville patients were flown to Nambour to access that service provider because their public system was not coping. I believe that there is an opportunity to give access to people in the regions. I call on this government to do that, because it is about making sure that people have timely access to a lifesaving treatment.

Time expired.

Bayside Community Radio

Mr CHOI (Capalaba—ALP) (12.52 a.m.): On 22 November the Bayside Community Radio Association celebrated the 10th anniversary of the establishment of this wonderful radio station at the Redlands Sporting Club. This community radio station provides vital and local radio programs to the residents of the Redlands as well as the bayside suburbs of Brisbane.

With its current facility, it is hard to imagine that it all started in 1987 in a mobile van purchased by a community-minded member. Since 1987, the station has been moved to Thornlands and recently began FM transmissions and increased its transmission power to 4 kilowatts. The station is now officially known as Bay FM 100.3.

This station won the 1999 national award for arts and culture in the National Community Links Awards. In 2003 Bay FM was a semi-finalist in the Regional Achievers Award for the community of the year in the Department of Transport awards for the state of Queensland. In 1997 Chris Benton, a member of the radio station staff, entered the *Guinness Book of Records* for the longest broadcast by one announcer of 124 hours 30 minutes and 3 seconds.

The broadcasting of this station is only possible because of the untiring work of hundreds of volunteers. In fact, over 80 on-air announcers supported by committee members, administrators and technical teams continue to make this radio station a great success.

John Graham, the founder of the station, should be congratulated for having the foresight to set up the station. I would like to especially mention Rosemary Skelly, Des Stevens, Stan Reilly, Tom Yapp, John Handley, Geoff Harrison, Norm Dean, David Stone, Charles Sonnex, Wendy Jewell, Gavin Ginger, Jenny Chesher, Kay Howick, Jim Gilbert and Patricia Smith for the wonderful work they have done with this radio station.

For 10 years, or just over 86,000 hours of broadcasting, Bay FM has provided a wide variety of music and interviews, national and local news, sporting information and special music programs from rock to classic for an audience aged from 80 to teens. More importantly, it has a strong partnership with the local community and is one of the major methods for community groups to broadcast their programs and events.

The mission of Bay FM is to provide a viable quality broadcast service which is entertaining and enables wide community access and participation. As far as I am concerned, Bay FM has successfully fulfilled every one of the objectives in its mission statement. It ought to be congratulated for its achievement and deserves all recognition available.

Water Infrastructure

Ms LEE LONG (Tablelands—ONP) (12.55 a.m.): The Beattie government is to contribute \$50,000 towards yet another study. This time it will look into ways that will help the government avoid constructing new dams or water infrastructure for the city of Cairns. Our forefathers would turn over in their graves if they could see the lack of good old-fashioned commonsense plaguing the urbanised intelligentsia who have been in power for a number of decades now.

Everyone knows that we are the driest inhabited continent in the world. Everyone knows that far-north Queensland between Tully and Mossman and stretching up onto the southern side of the Tablelands is the wettest part of Queensland. This is a very productive part of the state, particularly since our forefathers had the foresight to build the mighty Tinaroo Dam. But that foresight and the progress it created has been sadly missing from our modern-day leaders.

We in the north thought it was going to happen in 1996 again after the National Party campaigned heavily on the promise of the Tully/Millstream dam near Ravenshoe, only to be told within months of them getting into power that we would not be getting our dam and that they did not give a damn. How wonderful it would be to have had that dam or even the scaled down Wooroorra Dam in place today, as the town of Ravenshoe and the Herberton Shire struggle to find enough good clean water for urban and rural use, and that is not to mention the benefits from the clean, green renewable hydroelectric power that would have been generated.

Almost in the same breath, the National Party in 1996 slammed a moratorium on new or increased irrigation licences on service water in the Barron catchment on the Tablelands, with the ALP later extending it to include ground water. This has resulted in a high percentage of farmers in the Barren catchment being extremely disadvantaged. That includes a dairy industry which is also battling to survive the impact of deregulation. Not only are they facing punitively low farm gate prices for their milk but they are also struggling to maintain their herds in the face of a lack of water and the resultant lack of good pasture. Cane farmers and many other growers could well use additional water as they also face deregulation, economic rationalisation and low prices.

Even Cairns, where the government study finding is directed, is crying out for water. They are waiting to take extra from the Barron River, but that simply places more demand on the existing irrigation areas on the Atherton Tableland. Ecological ideology is the only reason Cairns is not already pumping from an intake on the Mulgrave River or the Goldsbrough River, which is a far more logical answer to the growing needs of Cairns and its southern suburbs. Flaggy Creek and Nullinga Dams are other options. Surely it is past time to take a leaf out of our forefathers' book, look towards the future with some good old-fashioned commonsense and build new water storage infrastructure that the state's wettest area so desperately needs in times of drought.

AIDS Awareness Week

Mrs SMITH (Burleigh—ALP) (12.58 a.m.): Last Sunday I was honoured to participate in the Gold Coast AIDS candlelight memorial vigil. The theme of the vigil this year was 'Remembering the cause, renewing our commitment'. It was a very moving occasion and I congratulate the many people who worked so hard to make it a special ceremony. This vigil aims to balance the remembrance and mourning with a celebration of life—celebrating the lives of those who have died as well as those now living with HIV AIDS. In Queensland, it also marks the beginning of AIDS Awareness Week.

Deserving of particular congratulations is Michelle Faraday and the people from the Queensland AIDS Council on the Gold Coast who worked in collaboration with members of Queensland Positive People, the Queensland Police Service and Kalwun Health Services. Also, Lara who shared her poignant story of how she copes as a young mother who is HIV positive.

In Australia there are 13,000 people infected, several hundreds of those living on the Gold Coast. Recent statistics worryingly show an increase in HIV infections in Australia for the first time in 10 years. The United Nations report states that about 40 million people world wide are infected with AIDS or the virus that causes the disease. More than half a million of those are children under the age of 15. It is an epidemic of global proportions.

Australian governments, both state and federal, are to be commended for their early recognition of the disease and for implementing strategies to deal with it. It has meant that the spread of the virus had been much less in Australia than in other countries. There is no cause for complacency, however. There is still much to be done.

We need to be educating our young people about the virus by introducing information into the school curriculum. Sex education without AIDS education is telling only half the story. This is a disease that is preventable, but only if people are given the facts. AIDS education in schools is not about corrupting the morals of our children; it is about preparing our young people to be responsible and well-informed members of society. HIV AIDS is not a moral or religious issue; it is a health and social issue. It is time to stop pretending that AIDS is not a problem that affects us all. AIDS is an epidemic that is causing widespread devastation around the world.

The candlelight vigil gave everyone the opportunity to remember those who have been lost: sons and daughters, mothers and fathers and friends who are sadly missed. It also introduces AIDS Awareness Week, culminating in World AIDS Day on 1 December.

The red ribbon that I wear today is a simple way to show our support for those living with and affected by HIV AIDS. It allows us to show that those who have died are not forgotten and that we care about those living with the chronic condition. I encourage all members to wear a red ribbon this week.

Motion agreed to.

The House adjourned at 12.59 a.m.