TUESDAY, 11 MAY 2004

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

ASSENT TO BILLS

GOVERNMENT HOUSE
QUEENSLAND

30 April 2004

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

Dear Mr Speaker

I am pleased to inform the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on 29 April 2004:

"A Bill for an Act to amend the Duties Act 2001"

"A Bill for an Act to amend legislation about vegetation management, and for other purposes".

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

Yours sincerely

(sgd) Quentin Bryce

Governor

(sgd) Quentin Bryce

GOVERNOR

Message No. 1/04

The Governor informs the Legislative Assembly that Bills intituled:

"A Bill for an Act to amend legislation about natural resources, and for other purposes"

"A Bill for an Act to amend the Sugar Industry Act 1999 to implement the commitment by the sugar industry and government to comprehensive reform for the long term future of the sugar industry, and for other purposes",

having been passed by the Legislative Assembly, and having been presented for the Royal Assent, were assented to by the Governor, in the name of Her Majesty, on the Sixth day of May, 2004.

The Governor now transmits the Bills to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Government House, Brisbane

11 May 2004

PAPERS

PAPERS TABLED DURING THE RECESS

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

30 April 2004—

- Response from the Premier and Minister for Trade (Mr Beattie) to an e-petition sponsored by Mr Wellington from 294 petitioners regarding support for British pensioners resident in Queensland and denied annual indexation for their pensions by the British Government

4 May 2004—

- Response from the Minister for Natural Resources, Mines and Energy (Mr Robertson) to a paper petition presented by Mr Seeney from 151 petitioners regarding the unreliable supply and fluctuating voltage of electricity in the town of Taroom and surrounding area

5 May 2004—

- Board of Trustees of Rockhampton Grammar School—Annual Report 2003
- Board of Trustees of Ipswich Girls' Grammar School—Annual Report 2003
- Griffith University—Annual Report 2003
- Erratum to the Explanatory Notes for the Aurukun Associates Agreement Repeal Bill 2004 tabled on 20 April 2004

7 May 2004—

- University of Queensland—Annual Report and Appendices 2003;
- Queensland University of Technology—Annual Report 2003 Volume One and Volume Two;
- Board of Trustees of Townsville Grammar School—Annual Report 2003;
- Board of Trustees of Ipswich Grammar School—Annual Report 2003;
- Board of Trustees of Toowoomba Grammar School—Annual Report 2003;
- Board of Teacher Registration—Annual Report 2003;
- James Cook University—Annual Report 2003;
- Board of Trustees of Rockhampton Girls Grammar School—Annual Report 2003;
- Board of Trustees of Brisbane Girls Grammar School—Annual Report 2003;
- University of Southern Queensland—Annual Report 2003;
- University of the Sunshine Coast—Annual Report 2003;
- Central Queensland University—Annual Report 2003.

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Public Trustee Act 1978—

- Public Trustee Amendment Regulation (No. 1) 2004, No. 43

Education (General Provisions) Amendment Act 2003—

- Proclamation commencing remaining provisions, No. 44

Plant Protection Act 1989—

- Plant Protection Amendment Regulation (No. 2) 2004, No. 45

Sugar Industry Act 1999—

- Sugar Industry Amendment Regulation (No. 1) 2004, No. 46

Integrated Planning Act 1997—

- Integrated Planning Amendment Regulation (No. 1) 2004, No. 47

Nature Conservation Act 1992—

- Nature Conservation (Duck and Quail Harvest Period) Notice 2004, No. 48

Public Health (Infection Control for Personal Appearance Services) Act 2003—

- Public Health (Infection Control for Personal Appearance Services) (Infection Control Guideline) Notice 2004, No. 49

Legal Profession Act 2003—

- Proclamation commencing certain provisions, No. 50

MINISTERIAL STATEMENT

Federal Budget

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.33 a.m.): If Peter Costello wants to be the Prime Minister, tonight's budget is his best chance to show he has a heart and that he cares for Australia's future. If he has as much as the mooted $9 billion surplus, he must use it as a down payment on the future of Australia. Given the surplus prediction and given the low inflation and low interest rates, tonight is his night. If he fails, the warmth of the Lodge will be replaced with the cold of the Opposition Leader's office, and we all know what that is like. He must ensure that no child is deprived of an education. All students—be they in Brisbane or in Bamaga, be they in a prep year, be they at TAFE or finalising their doctorate—deserve to be treated equally and fairly. In vocational education and training funding, the Commonwealth can start by providing at least $348 million over the next three years to immediately address short funding of the states and territories by the Commonwealth. The underfunding of Queensland's training system is based on a nineties formula of us having 15 per cent of the nation's population—not the present 19 per cent. This will cost us $60 million over the next three years.

A caring Peter Costello should commit to ensure broadband access for families in the bush so that they can access distance education telephone teaching. He also needs to support the job of creating gains from improving our road network. Some $600 million a year over the next five years would bring Queensland's National Highways to a reasonable standard. What about the funding of

roads of national importance, including the Ipswich Motorway, the Gateway Motorway and building the Toowoomba Range bypass? An upgrade to the Barkly Highway from Mount Isa to Camooweal would also be appreciated by residents in the far west.

Mr Costello knows that he short-changed Queenslanders $160 million in the latest health care agreement. This means fewer public hospital operations, and the decline in bulk-billing means extra demand on our emergency departments. If it was not for a $110 million program being implemented in Queensland by the current Minister for Health, Gordon Nuttall, the situation would be even worse. We desperately need more university places for doctors, dentists and nurses, and we need them now. There are many things the federal government should focus on federally, including public housing for example. It has underfunded public housing for a long time, which means that the battlers of Australia have been missing out.

Mr Schwarten interjected.

Mr BEATTIE: I take the minister's interjection. On the bigger picture, the Commonwealth has made some reference to national competition policy payments beyond 2005-06. To date, it has not provided any details of the nature and size of any such payments. The Commonwealth should use this budget as an opportunity to declare its support for the recommendations of the Commonwealth Grants Commission's 2004 review and the underlying principle of fairness. This principle, which is under attack from New South Wales and Victoria, ensures that Queensland receives a fair share of GST revenue so that we can provide health, education and other vital services. Prior to introducing its GST, the Commonwealth made a commitment not to cut aggregate specific purpose payments, or SPPs, as part of its tax reform package. I trust that the Australian government continues to meet its commitment to the states and territories in ensuring aggregate SPPs in real per capita terms remain at the level of SPPs in 1999-2000, the year before the new arrangements were in place.

I say clearly to New South Wales and Victoria that if they want a fight over the Grants Commission formula we are prepared to give them one. We believe that the federal government should stand firm against the pressures from New South Wales and Victoria. In the lead-up to the next federal election, we want a commitment from the federal government that it is going to stand firm in supporting the current formula and arrangement arising out of the Commonwealth Grants Commission. Those underlying principles of fairness mean a fair go for Queensland, and we will take on our Labor colleagues in New South Wales and Victoria if necessary. There are a number of other matters in terms of the budget that I want to draw to the attention of the House, and I seek leave to have them incorporated in *Hansard*.

Leave granted.

Our budgetary pressures will be compounded by population ageing. These pressures have not been recognised by the Commonwealth.

Mr Costello needs to recognise these demographic and growth realities facing Queensland, and adequately address them.

Part of that would be a renewed commitment to the Federally-funded $12 million Violence Against Women campaign—unfortunately abandoned by Canberra before Christmas—this commitment is a must.

Queensland, like all Australian States and Territories, is experiencing a critical shortage in child care places. An estimated minimum of 2000 extra places are needed in outside school care alone in Queensland to address the shortage.

This year the Commonwealth agreement with the States over funding for Legal Aid expires. Proper Commonwealth legal aid funding, particularly in family law matters involving the welfare of children, is essential.

For the bush Mr Costello should ensure a continuation of the Federal Government's Rural Financial Counselling Service and ensuring counselling services are available to all in the sugar industry—including small business operators and mill workers.

There needs to be more spent on policing our northern waters. Last year (2003), there was a record 138 apprehension of foreign fishing vessels allegedly fishing illegally in northern Australian waters.

Recent detections of Mad Cow Disease in the US and Canada highlight the need for additional funding to upgrade our preparedness for possible exotic pest and disease incursions.

The Federal Treasurer should paint a clear picture for indigenous support. There needs to be clarification of funding following the demise of ATSIC/ATSIS.

Momentum has built over the last two to three years, particularly in Cape York, in progressing initiatives such as the COAG Trial sites, establishment of the cape York Strategy Unit and general roll-out of Meeting Challenges, Making Choices.

Last year Peter Costello didn't even mention 'housing' once in his Budget speech. Homelessness is a national issue and needs national leadership.

They have had more than eight years in office yet housing is more unaffordable than ever before and while the States have been playing their part cutting stamp duty Canberra stands idly by.

I urge Mr Costello to restore funding for the Co-operative Research Centres in Far North Queensland.

Cutting funding threatens the $1 billion reef-based tourism industry and the coastal centres which depend on it.

If John Howard can quite rightly find $444 million to prop up the sugar industry, surely he can find some extra funding for these research centres?

Mr Costello should also reduce taxes holding back the State's wine industry.

As Queensland's production is concentrated in the small to medium producer area, the Wine Equalisation Tax (WET) discriminates against Queensland producers.

My Government supports the Winemakers' Federation of Australia proposal for the first 600,000 litres of wine produced by each winery for the domestic market to be free of the Wine Equalisation Tax.

And to finish off Mr Costello could make good on the Commonwealth's $75 million promise to assist landholders affected by our new vegetation management laws.

MINISTERIAL STATEMENT

Blue Cards

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.37 a.m.): Last month cabinet agreed to expand the working with children checks after a review of the operation of the blue card. The review reaffirmed the threshold concept of the blue card, which was designed to fill gaps in screening of potential and existing employees and volunteers in child related areas. To this end, employees and volunteers in several new categories of child related employment will be required to hold blue cards. It became apparent during the review that the screening processes vary across government agencies. Accordingly, my department, following a decision by cabinet yesterday, will now conduct a further review of all employment screening processes of line agencies providing child related services or activities with the aim of standardising these processes.

MINISTERIAL STATEMENT

Smithsonian Institution Fellowships

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.38 a.m.): Four years ago on 23 March 2000, my government signed a memorandum of understanding with one of the world's most prestigious research and educational institutions. It was the first such agreement signed by the Smithsonian Institution with any government outside America. Part of that agreement provided for Smithsonian fellowships.

The 2004 fellows, who will be presented with their fellowship awards at a special ceremony in the Parliamentary Annexe tonight, are as follows, and I want to congratulate them on behalf of all members: the Director of Conservation, Biodiversity and World Heritage at the Great Barrier Reef Marine Park Authority, Jon Day; the Director of the Woodford Folk Festival, Bill Hauritz; and the Chair of Ecology at Griffith University, Professor Roger Kitching. They will benefit from this agreement. I seek leave to incorporate the rest of my ministerial statement in *Hansard*.

Leave granted.

Our MOU with this world class institution has set the scene for the internationalisation of Smart State capabilities—with a range of collaborative projects already undertaken, including: Research on the sustainable management of coral reef fisheries, the co-hosting in 2002 of an international conference on one of science's last frontiers, the rainforest canopy; and, Eco-Online, launched last year, which gives junior secondary students access to online information about caring for the environment.

The MOU also created a Fellowship of the Mind and has paved the way for an exchange of our best and brightest, taking 12 emissaries from the Smart State to the United States on a mission with something very precious—the gift of intelligence, vision and a thirst for knowledge and desire to expand our collective wisdom in a range of disciplines.

Smithsonian Fellows undertake a journey of discovery with a commitment to search for new and innovative ways to further scientific and social understanding.

Jon Day will draw on his work with GBRMPA and in particular the lessons learnt from the recent rezoning of the Great Barrier Reef Marine Park to work with the Smithsonian Tropical Research Institute to assist marine managers to protect and manage marine biodiversity.

Bill Hauritz will use his Fellowship to undertake research at the Smithsonian Center for Folklife and Cultural Heritage as well as undertaking case studies of the Smithsonian Folklife Festival and other USA folk and community festivals.

Professor Roger Kitching will participate in a major collaborative international project with the Smithsonian Tropical Research Institute in Panama to survey insect biodiversity.

The Smithsonian, the world's largest museum and research complex, features 16 museums and art galleries as well as the National Zoo, with research also undertaken in centres in eight states and the Republic of Panama.

The Institution's primary mission, "the increase and diffusion of knowledge" is reflected in the mutual expertise of both parties to our agreement, in natural and social history, Indigenous culture and environmental science.

The MOU and the Fellowship program have also given birth to a Queensland-Smithsonian Alumni, with co-patrons, Professor Glyn Davis, the Vice-Chancellor of Griffith University and Dr Cristian Samper, the Director of the Natural History Museum at the Smithsonian.

The Alumni strengthens existing networks established by former Fellows and provides further opportunities for collaboration and research.

The Alumni will hold their second meeting tonight, following our presentation ceremony and will be hosted by Professor Davis and with speakers including my colleague Minister Bligh, as well as two former fellows, Professors John McGrath and Roger Kitching.

Our former fellows have undertaken research in areas as diverse as: Climate studies over the past 400,000 years; the development of megadata tools for managing mixed media museum collections; the portrayal of Queensland at international expositions; Great Barrier Reef ecosystem management; innovations in museums practice; the adaptation of the Smithsonian Magnet School model to a Queensland secondary school in a cross-curriculum setting; links between Vitamin D deficiencies in

pregnant women and the development of schizophrenia in their teenage children; marine reptile fossil comparisons between western Queensland and the US south west; and, the impact of global climate change on Pacific Islands.

The Queensland-Smithsonian Fellowship Program and the MOU will continue to take the Smart State to an international stage and reap benefits on a global scale.

MINISTERIAL STATEMENT

Bauhinia Rail Project

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.38 a.m.): There is another great development in Queensland's export coal development that has been unveiled with last week's signing of contracts for the construction of the Bauhinia rail project. The 110-kilometre line from Kinrola, south of Blackwater, to Xstrata's Rolleston mine is the longest piece of rail to be built in this state since the Newlands-Collinsville to Abbot Point line was completed in 1983. In all, more than 400 jobs, most of them for local central Queenslanders, will be on offer as Queensland Rail readies this $230 million project.

Mr Johnson interjected.

Mr BEATTIE: This line is planned to be operational by November next year. You know, Vaughan, great electorate and great government. I seek leave to incorporate further details in *Hansard*.

Leave granted.

In a bonus the line offers a multi-user option for southern Central Highlands' grain growers.

For the first year of operation it is planned to haul up to 3.2 million tonnes of coal with that growing to an annual eight million tonnes a year by 2008.

QR was selected by Xstrata to supply rail construction and haulage for the development in an open tender process against private sector competition.

Xstrata Coal's Bauhinia development means that extensive network upgrading will be required to increase capacity of QR's Blackwater system.

Plans are well advanced for this duplication of up to 30kms of track costing $60 million.

The Bauhinia/Rolleston project is not just a boost for Central Queensland's coal development, but another major plus for the port of Gladstone and its excellent record.

Queensland Rail will construct, own and operate the new 110km line—Rolleston Mine will be charged a fee under a 20-year contract for access and use of the new line.

Additional gains for all of Queensland from the total Bauhinia project include:

- 150 construction jobs at the $291 million Rolleston mine;
- About 150 long-term jobs in direct employment growth;
- About 100 jobs from the flow-on effect in the region;
- Export revenue of nearly $300 million a year;
- Royalties of about $20 million a year to the State;
- About $15 million in wages to boost the local economy;
- An upgraded, more secure electricity supply for the district with a new 130-kilometre, 132kv powerline from Blackwater to the mine.

The Rolleston Project is located 16 kilometres west of Rolleston and 275 kilometres due west of Gladstone but 424 kilometres by rail.

The Rolleston coal is low-emission and high quality thermal coal, adding to Queensland's international reputation as a source of some of the world's cleanest coal.

The water needs of the Rolleston mine will also be minimised, because the very low ash content of Rolleston coal means it can be exported without the need for a wash plant.

Xstrata Coal owns 75% of the Rolleston Project, with partners Sumitomo and Itochu each holding a 12.5% interest.

MINISTERIAL STATEMENT

Community Cabinet, Kelvin Grove Urban Village

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.31 a.m.): Yesterday, cabinet met at the Kelvin Grove Urban Village. It was our 71st community cabinet since our election in 1998. The $60 million creative industries precinct is a central part of the village—Brisbane's newest inner-city development. Yesterday was an excellent opportunity for cabinet to see first-hand the

creativity and technology behind the $600 million Kelvin Grove Urban Village. The village is a joint initiative of the Department of Housing and QUT, and in that regard I want to congratulate the minister, Robert Schwarten, on his initiative.

Since the state government completed its $38 million infrastructure project in November, the urban village is really taking shape. I seek leave to incorporate in *Hansard* the rest of my ministerial statement and table an information pack for all interested.

Leave granted.

The Creative Industries Precinct is up and running with events and exhibitions attracting Brisbane residents.

In short it is a purpose-built, hi-tech site, just minutes from the centre of Brisbane, where academic study, creative experimentation and commercial development can flourish.

The retail component of the Village Centre will include a full-line supermarket, as well as specialist retail shops and a streetside dining precinct.

Within 18 months, the Urban Village will take its place as a unique and dynamic destination in Brisbane—home to hundreds of new residents and a great place to visit.

The Minister for Public Works, Housing and Racing, Robert Schwarten, identified the site and initiated the Kelvin Grove Urban Village concept.

It will incorporate around 800 residential units, featuring high-quality designs across a variety of styles and catering to a range of budgets and lifestyle needs.

Kelvin Grove Urban Village will cater for students through to seniors with high-quality affordable accommodation as well as premium apartments.

Housing will be delivered primarily by the private sector and there has already been keen interest from developers for the six sites released for sale.

As well as the positive response from the market to the development opportunities—we are also pleased with the commitment to the high standards of urban design and environmental sustainability.

In this Year of the Built Environment, projects like the Kelvin Grove Urban Village showcase how the Smart State is setting new standards in sustainability and urban design.

Tomorrow I will formally launch the $60 million Kelvin Grove Creative Industries Precinct—a collaborative development between my Government, the QUT and business and most importantly a great example of what the Smart State is all about.

MINISTERIAL STATEMENT

Biotechnology International Convention and Exhibition 2004

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.40 a.m.): The annual United States biotechnology international convention and exhibition, known as BIO, is regarded as the world's premier biotechnology conference and draws international participation from industry, government and academia. BIO 2004 will be in San Francisco from 6 June to 9 June and Queensland will have a significant presence.

To date there have been more than 50 Queensland delegates register from 28 organisations, including Alchemia, Clinical Network Services, CM Capital, Griffith University, Imaginot, the Institute for Molecular Bioscience, the Queensland Institute of Medical Research; Nanomics Biosystems; Progen, Q-Pharm, QUT, Uniquest Vaccine Solutions and Xenome. I seek leave to include more details in *Hansard*.

Leave granted.

Every year since 1999 I have led a trade and investment mission to BIO, inviting representatives of small and medium sized Queensland biotech companies.

The returns are highly encouraging.

For example at BIO 2001 I met representatives of Sequenom, who had been dealing with the Queensland Government Trade and Investment Office in Los Angeles.

Work continued and in February 2002 Sequenom announced the establishment of its Asia-Pacific Headquarters in Brisbane, with an initial investment of $3 million and an expected economic impact of more than $10 million over five years

Last year's mission to BIO yielded an estimated $25 million in business for Queensland over the following 2 years.

At BIO 2004 next month I will continue be joined by the Minister for Innovation, Tony McGrady, and we will focus on international bio-medical and agri-biotech organisations, and highlight our international status in tropical sciences—including tropical health.

I will promote Queensland as the place for research and development and manufacturing facilities, and for businesses keen to launch into the Asia-Pacific.

I will also urge people to attend AusBiotech 2004—our nation's peak biotech industry forum.

Ausbiotech will be held in Brisbane from 7-10 November, with a satellite meeting in Cairns on 12 November.

Queensland's profile at BIO is helping spread the word about the wondrous advantages of doing BIO business in the Smart State.

On 6 May, when I addressed an American Chamber of Commerce gathering in Sydney, the event chairman, Phil Clark—a Minter Ellison managing partner—told the room some people on the West Coast of America thought Australia was part of Queensland.

It was tongue in cheek, but the mere fact that Phil linked this little jest to our Smart State strategy made his words sweet!

In summary, BIO 2004 will be an opportunity to:

- Present Queensland as an Asia Pacific biotechnology hub;
- Promote Queensland as a leader in biotech commercialisation and development;
- Boost investment in Queensland research and development;
- Support Queensland companies and research organisations seeking partners in collaborative research; and
- Encourage biotech companies and organisations to move to Queensland.

MINISTERIAL STATEMENT

Queensland Police Service, Digital Communications

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.41 a.m.): On 6 May I wrote to the Crime and Misconduct Commission Chair, Brendan Butler SC, about the dissemination to the media of Queensland Police Service communications in light of the service's roll-out of secure digital police communications. I asked the CMC to identify the parameters of, and consider options for, appropriate dissemination.

I made the request under section 52(1) (c) of the Crime and Misconduct Act 2001, which enables the CMC to research matters I refer to it about the administration of criminal justice.

I seek leave to incorporate the letter I wrote to Brendan Butler in *Hansard* for the information of members.

Leave granted.

Mr Brendan Butler SC
Chairperson
Crime and Misconduct Commission
GPO Box 3123
BRISBANE QLD 4001

Dear Brendan

Referral of research matter pursuant to s.52(1) (c) of the Crime and Misconduct Act 2001—Appropriate dissemination of police communications information

In line with developments in other jurisdictions, the Queensland Police Service (QPS) has commenced a roll out of secure digital communications. The technology offers a greater level of security to police officers and the public when police are responding to critical and sensitive operational situations. It also allows more detailed information to be communicated and prevents unauthorised access to information in the possession of police, information that is often of a sensitive personal nature. The technology helps prevent criminals and, in these times, potential terrorists from accessing police information.

While the technology is not being implemented for such a purpose, the technology will have the effect of preventing the media (and the public generally) from monitoring police communications. Media organisations have expressed concern to me and the Minister for Police and Corrective Services about the implementation of the technology.

One media organisation has requested that the media be given the same level of access to police transmissions that the media traditionally enjoyed, through scanning pre-digital radio transmissions. The organisation has stated that this "provides external scrutiny that is crucial to maintain police standards and the public's faith in the police service". Also, I am informed that the Media and Public Relations Branch of the QPS has a policy of advising media of significant newsworthy events as quickly as possible.

The roll out of this technology raises important public interest, privacy and operational considerations. I would be pleased to be advised of how other jurisdictions have dealt with the issue of disseminating, or otherwise providing access to, police information once secure communications have been implemented.

Pursuant to section 52(1) (c) of the Crime and Misconduct Act 2001, I request the Crime and Misconduct Commission to examine the appropriate dissemination of Queensland Police Service (communications) information to the media in light of the pending introduction of secure digital police communications, with the objective of identifying the parameters of, and considering options for, appropriate dissemination.

I have requested Kate Ellis, Acting Research Director, Law and Justice Policy, to meet with you to discuss the referral, and assistance with resourcing this research project should it be required. Ms Ellis may be contacted on telephone 3406 2121.

Yours sincerely

PETER BEATTIE MP
PREMIER AND MINISTER FOR TRADE

Mr BEATTIE: In line with other states and internationally, the service has commenced a roll-out of secure digital communications, beginning with a trial in Brisbane. The service argues that the technology offers a greater level of security to police officers and the public when police are responding to critical and sensitive operational situations, including potential terrorism threats. It argues that the technology also allows for the communication of more detailed information, prevents unauthorised access to information in the possession of police and helps stop criminals accessing police information.

The technology has not been designed to prevent the media from monitoring police communications. However, it will render obsolete radio scanners some media outlets use to pick up the Police Service's analogue transmissions and, I should say, some criminals as well. So the roll-out of this technology raises important public interest, privacy and operational issues. It is fitting that the CMC examine these issues and I welcome the CMC's decision—announced on 7 May—to call for submissions, hold public hearings, and report to parliament.

The *Courier-Mail* on Saturday, 8 May reported that it and Channel 9 will be part of the process. I welcome the participation of other media as well. The *Courier-Mail* and Channel 9 have brought their concerns to the government and the Minister for Police, Judy Spence, and I have met with a representative from the *Courier-Mail*, David Fagan, and Lee Anderson from Channel 9 at their request.

I look forward to the CMC's report, its research, analysis, and information gathered from submissions and open hearings.

When I met with Lee Anderson and David Fagan, with Judy Spence, I presented them with a letter setting out the current circumstances and what the service was offering. Because of the importance of the letters that I presented to Lee Anderson and David Fagan, I seek leave to incorporate the Anderson letter and attachments for the information of the House.

Leave granted.

29 April 2004

Mr Lee Anderson
Director of News
Channel 9
GPO Box 72
BRISBANE QLD 4001

Dear Lee

Following our meeting where you raised concerns about the Queensland Police Service's use of digital communications, I discussed the matter with the Minister for Police and Corrective Services, Judy Spence.

All other Australian jurisdictions have either implemented or are in the process of implementing the use of digital communications by police.

There is also a growing international trend towards its use by police. This is because of the greater security it provides for sensitive police operations—something that is obviously of heightened importance in the current climate.

The purpose of police radio communications has always been for the safety of police and the protection of the public.

The new technology means that Queensland will continue to be at the forefront of the fight against terrorism by helping to prevent criminals from accessing police information. Queensland has therefore been progressively introducing the technology since May 2001.

At the same time I recognise the importance of informing the public and the imperative for you to report on crime in an accurate and timely fashion.

To facilitate such reporting, the Queensland Police Service has now developed options for advising media of breaking news.

Following further discussion, these options and other protocols for communications between the police service and media could be set out in a Memorandum of Understanding.

I have attached the options for your consideration.

Yours sincerely

PETER BEATTIE MP

PREMIER AND MINISTER FOR TRADE

Options for advising media of emerging newsworthy events

SMS messaging system

Police are investigating the provision of an SMS-based messaging system that would enable the Police Media unit to give advice on a range of possibly newsworthy events to media to enable them to get to scenes to gather pictures and information for stories. Consideration would need to be given to what sorts of events could be advised (eg no sex offences, offences against children or domestic violence order-related matters). Details to be included in SMS messages would be sufficient to enable media to respond, but not so detailed as to breach privacy principles.

The system being considered would enable an immediate broadcast SMS to be sent from a computer. The number of recipients would be unlimited. Police are currently investigating a receiver pays system which would enable news organisations to decide how many recipients they wanted to include (and pay the subsequent costs).

It is understood that this option could be activated fairly quickly and be reasonably cost-efficient if news organisations paid upon receipt of messages. This would also allow less significant matters to be advised to allow media organisations to make their own decisions on whether they followed up.

Broadcast telephone connections

Police are also investigating a broadcast phone system that would enable immediate voice advice of significant information to be delivered simultaneously to all media organisations that wanted to receive the service. It would enable a single call from the Police Media Unit to be received simultaneously by all media organisations who expressed interest.

There would be set-up and operational costs involved. A system of annual subscription to the service (on a cost-recovery basis) or a per call cost system could be used.

This option could be activated in a reasonable time frame and would supplement and enhance the SMS messaging system.

24-hour Media Unit operation

To provide an around the clock advice system (as requested by some media organisations) the operating hours of the Police Media Unit could be expanded to 24-hours, seven days a week. Currently the Media Unit operates between 6am and 10pm weekdays and from 7am to 8pm on weekends.

This option would have significant benefits to the flow of information between police and the media, especially in providing overnight round-ups. It would also enable timely advice of newsworthy events to overnight crews and on-call media representatives.

Mr BEATTIE: In doing so, I just make this point. We live in a very ugly and uncertain world where, tragically, terrorism is a fact of life. Whatever system operates, we need to make certain that we do not allow terrorists to access police operations. That is on the one hand. On the other hand, we need to make certain that there is appropriate accountability and that the public do have access to appropriate information.

We also need to draw a fine line between commercial interests and the public interest. While there are some in the media who will not accept this, we need to ensure that this information is not simply released for commercial purposes—to sell newspapers, for example—or to assist tow truck operators. But there is also the other side of that coin, and I readily accept this. We also need to make sure that the police are accountable and, indeed, that the government is accountable. Therefore, we look forward to the public hearings and findings of the CMC.

MINISTERIAL STATEMENT

Q-Fleet

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.44 a.m.): Finally today, I want to provide in an unprecedented way information to the House. The following information relates to traffic infringements involving Queensland government vehicles in the 2003 calendar year.

The information has been extracted by downloading data from TRAILS—the Transport Registration and Integrated Licensing System. It took 8.25 hours to define the search criteria, prepare a review, test and run a statutory query language, extract data from TRAILS, and monitor the progress of the data extract. It cost an estimated $910 to collect the TRAILS data. Separate information has also been collected from the Queensland Police Service, the Queensland Ambulance Service and the Queensland Fire and Rescue Service.

The TRAILS data show that drivers of Q-Fleet vehicles have a lower average traffic infringement rate than the state average. Q-Fleet vehicles include departmental vehicles, ministerial cars, government owned corporation cars, and vehicles leased to other groups through Q-Fleet's business arm. It includes QG numberplated vehicles and privately plated vehicles. The infringements referred to include all road rule offences, such as speeding, disobeying traffic lights and failing to give way.

We have a clear policy on payment of infringement notices, which I approved through the Office of Public Service Merit and Equity on 1 May 2002. The policy is designed so that infringement notices issued against government vehicles do not cost the taxpayer.

The policy says that employees operating government owned motor vehicles are to comply with traffic laws and—

Drivers are to be personally liable for all penalties incurred whilst driving a vehicle, including those for parking infringements. When advice of the infringement is received, agencies are required to notify the relevant traffic authority of the names of the offending driver or, if appropriate, make arrangements for the payment of fines.

For this reason, government departments have procedures to log the drivers of government vehicles and to ensure that traffic related fines are personally paid by the responsible employees.

In a nutshell, the figures show that the rate of infringements for all Queensland registered vehicles in 2003 was 25 infringements per 100 vehicles. The rate for Q-Fleet vehicles was 15 infringements per 100 vehicles. I am advised that the rate for police vehicles was 18 per 100 vehicles. The rate for ambulance vehicles was five per 100. The rate for Fire and Rescue Service vehicles was three per 100. In 2003 an average of 13,353 vehicles were registered through Q-Fleet and they recorded 2,018 traffic infringements. That is 15 per 100 vehicles. By comparison, a total of 672,699 traffic infringements were recorded against the 2.68 million vehicles registered in Queensland. That is 25 per 100 vehicles.

Police, ambulance and Fire and Rescue Service fleets are not in Q-Fleet. The Queensland Police Service reports that 347 infringements were recorded by speed and red-light cameras against its fleet of 1,933 vehicles. That is 18 per 100 vehicles.

Records about traffic infringements for the Queensland Ambulance Service and the Queensland Fire and Rescue Service are managed regionally. Figures from the regional offices show that for the Queensland Ambulance Service there were 41 enforceable traffic infringements for a fleet of 793 vehicles. That is five per 100 vehicles. For the Queensland Fire and Rescue Service there were 14 enforceable infringements for 462 vehicles. That is three per 100 vehicles. As is the case with police officers, ambulance and fire and rescue officers who receive traffic infringements while driving emergency vehicles in response to an incident are excused from the infringement.

In the interests of transparent government, I will also seek to incorporate in *Hansard* information which has been separately collected about the number of accident insurance claims involving government vehicles. This information comes from Q-Fleet and covers the 2002-03 financial year. The accident rate shown here is 30 per cent lower than the national benchmark performance for large fleets. Obviously, we would prefer there were no accidents, but that is a fact of life. However, Q-Fleet cars clock up more than 296 million kilometres every year. So the chances of having an accident are higher than for the average family sedan. The total of claims in 2002-03 fell by 11 per cent from 2001-02. The total was $4 million in 2002-03, a $500,000 decrease on the previous year. I seek leave to incorporate all of those details in *Hansard*.

Leave granted.

Department	Total Fleet Size	Total Claims	Driver at Fault	Total Driver Not at Fault	Animal Strikes
Arts Qld	12	2	2	0	0
Corrective Services	293	69	46	23	2
Aboriginal & Torres Strait Islander Policy	27	9	8	1	1
Employment, Training and Youth	464	79	44	35	11
Innovation and Information Economy	38	15	13	2	0
Industrial Relations	268	27	14	13	1
Natural Resources & Mines	590	102	54	48	19
Primary Industries	1040	197	114	83	39
Public Works (including 650 QBuild vehicles)	826	189	126	63	6
Disability Services Qld	239	56	36	20	3
Education Qld	703	133	57	76	28
Environmental Protection Agency	560	122	94	28	10
Emergency Services	580	111	49	62	17
Families	487	162	108	54	8
Qld Health	3187	626	350	276	65
Housing	195	41	20	21	0
Justice and Attorney-General	154	47	31	16	1
Local Government and Planning	19	1	1	0	0
Main Roads	994	191	107	84	27
Premier and Trade (including Opposition vehicles)	138	38	23	15	0
State Development	114	12	7	5	0
Tourism, Racing and Fair Trading	62	8	5	3	0
Qld Transport	377	59	37	22	6
Treasury	64	6	2	4	0
Totals	11,431	2,302	1,348	910	244

Mr BEATTIE: I understand that the opposition put in an FOI claim for accidents and repairs between 10 November and 24 December. There was extra material that, as part of the reporting process, had gone to cabinet, because once an accident occurs it does not have a cut-off date and papers flow on after that. I will be releasing that information to the House later today.

MINISTERIAL STATEMENT

Senior Certificate Discussion Paper

Hon. A.M. BLIGH (South Brisbane—ALP) (Minister for Education and the Arts) (9.49 a.m.): More young people than ever before are completing year 12. Over the past 20 years the proportion of 17-year-olds receiving a senior certificate has more than doubled from 36.8 per cent in 1982 to 74.7 per cent in 2002. There is a growing acceptance among both young people and the community that year 12 or its equivalent is the minimum level of education required to successfully work and live in the 21st century. As a government we want to put Queenslanders on a firm footing for the future. That is why we have legislated to require young people to be in education, training or work until they are 17. These new laws will take effect from 2006.

It is important that the certificate students receive at the end of their senior years is meaningful, not only to them but also to the people who will employ them, train them and accept them into higher education. Yesterday the Premier and I released a discussion paper prepared by the Queensland Studies Authority which canvasses a major overhaul of the 94-year-old senior certificate. I seek leave to table a copy of the paper.

Leave granted.

Ms BLIGH: The discussion paper approved by cabinet contains a number of proposals which we want parents, teachers, employers and the wider community to comment on. These proposed changes include: requiring students to meet a minimum standard to qualify for a senior certificate; recording new areas of learning on the senior certificate, such as learning at university, in the workplace or in a community organisation; creating stronger links between the senior certificate and post-school pathways; setting minimum literacy and numeracy standards to achieve the senior certificate; and creating more flexibility in the certificate to allow students to undertake their senior studies over different periods of time.

The options for shaping a new senior certificate are part of our government's landmark learning or earning reforms and represent the most significant changes since external examinations were abolished more than 30 years ago. The first question the discussion paper raises is whether the certificate should be a record of achievement or a qualification. One option proposes to set a minimum level of achievement before a senior certificate is awarded. This would mean that some students who currently receive a senior certificate may not receive one in the new system. However, making the senior certificate a qualification would bring our state into line with other states, including Victoria, South Australia, Western Australia and New South Wales, which all require students to achieve a minimum standard prior to receiving their end-of-school certificate.

Under Queensland's current system, to receive a senior certificate a young person must attend school for a period of time, record at least one achievement in an approved subject and be in attendance at school on the last day of year 12. It is time for a change and the change is well overdue. I encourage all members to take the time to read the paper and encourage their constituents to participate in the debate and attend public forums which will be held in regional centres across the state between June and August. Submissions on the discussion paper are due by 20 August 2004.

MINISTERIAL STATEMENT

Apprentices and Trainees

Hon. T.A. BARTON (Waterford—ALP) (Minister for Employment, Training and Industrial Relations) (9.53 a.m.): Queensland, like all of Australia, is currently experiencing skill shortages in a number of industries, particularly construction and engineering, despite this government's best efforts to counter this trend. Just recently the Australian Industry Group warned that 170,000 tradesmen and tradeswomen will be leaving industry in Australia over the next five years and on present projections there will be just 40,000 tradesmen and tradeswomen coming in.

These skill shortages have arisen for a number of reasons, not least that employers have not trained enough apprentices. But undoubtedly one reason for the problem is the image of the trades with young people. There is no doubt that in the past decade or so apprenticeships have lost appeal with some young people as parents, teachers and careers counsellors have advocated university study as the way to a bright future. We need to get the message through to students and the people who influence them that apprenticeships provide many more career pathways than they did years ago. We need to promote the message that apprenticeships can lead to satisfying and rewarding careers. In fact, job outcomes from apprenticeships compare more than favourably with those of university study.

I can say that the Beattie government is focusing its substantial training funding towards apprenticeships and skills-rich traineeships and away from lower skills traineeships. We have made

significant investment in training for apprentices and trainees, estimated at $102.5 million in 2003-04, which represents almost a $25 million increase over three years. Most importantly, the Department of Employment and Training is ensuring that funding is directed to those training areas most needed by industry, leading to an increase of 14 per cent in apprenticeship commencements in the nine months to March this year.

We have also led Australia in the introduction of school based apprenticeships and traineeships, which are increasingly popular with young people and employers. To encourage those employers, this government has introduced incentives of up to $2,000 for employers who take on additional apprentices or trainees in industries with skill shortages. Under our Breaking the Unemployment Cycle initiative we have paid 12,360 employers more than $42 million to take on an additional 16,840 apprentices and 6,935 trainees in industries with skill shortages.

These initiatives have helped drive apprenticeship and traineeship numbers in Queensland to all-time record highs under the Beattie government. We are proud of that achievement, but clearly we need to do more to get the message through that apprenticeships in particular are a great way to start a career.

MINISTERIAL STATEMENT

Cooperative Research Centres

Hon. T. McGRADY (Mount Isa—ALP) (Minister for State Development and Innovation) (9.56 a.m.): I rise today to register my disgust with the Commonwealth government and in particular the Minister for Science, Peter McGauran, for cutting funding to all-important cooperative research centres, in particular Townsville's tropical reefs and ocean CRC, the Brisbane coastal zone CRC and the Cairns based tropical forest futures CRC. This ill-advised decision has the potential to cause untold damage to the Australian environment and economy and shows once again a lack of foresight on the federal government's behalf.

Whilst I certainly acknowledge that this decision was made by an independent body, it was undoubtedly the federal minister himself who was responsible for this shameful disregard for our reefs and our rainforests. He and he alone would have been the person to hammer the nail into the CRC coffin when he signed off on the decision that would see these invaluable research centres closed.

The fact of the matter is that these centres are responsible for research that could ensure the future of our natural heritage. Indeed, they are fighting to cure the diseases and eradicate the pests that threaten our coasts, our rainforests, our rivers and our reefs. We are talking about research into such serious problems as reef degradation through coral bleaching and the water quality in our rivers in addition to fighting pests in our rainforests and finding cures to toxic poisons.

The issue as the federal government sees it is that these CRCs are not sufficiently competitive, not commercially focused enough, for the federal government to continue to fund them. Mr Speaker, if you call trying to save a multibillion-dollar ecotourism industry not commercially driven, I do not know what is. Thousands of tourists and ecotravellers come to Queensland and indeed Australia each year to see the unique natural diversity that we have to offer. In fact, it may surprise the House to hear that in just one hectare of rainforest in the Daintree area of far-north Queensland there are more flowering tree species than in the whole of North America.

This is what we have to protect. We have to make sure our natural beauty survives, and the federal government has a responsibility to ensure that it is providing the national funding to do so. Regardless, ecotourism is only one example of the flow-on effects this cutting edge research can have. This decision by the Commonwealth proves once again that the federal government has no real plans or direction for this country's future.

MINISTERIAL STATEMENT

Racing Industry

Hon. R.E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (9.59 a.m.): Last week the Premier and I launched an independent investigation into the integrity, management structures and animal welfare across the three codes of racing—thoroughbred, harness and greyhound. Former District Court chief judge Pat Shanahan, former federal and state member of parliament David Watson, and former general manager of Network 10 Bill Lenehan, will constitute the three-member panel which will report back to me in three months.

The review will start taking submissions this week, and submissions will be taken until 28 May and can be lodged in writing or electronically. Anyone seeking details as to how to do this can contact my office. Advertisements explaining this process will appear this week. The primary focus will be to

investigate the effectiveness of self-regulation within racing boards. Witnesses who give evidence of corruption or suspected illegal practices during the inquiry will be given the maximum legal protection from such actions as defamation. Any such evidence gathered will be forwarded to the Police Service and/or, if relevant, to the CMC.

Since we made this announcement, there has been a lot of speculation and scaremongering by some people in the industry and those opposite regarding the intent and scope of this inquiry. Of course I was not surprised to see the shadow minister attack this government for doing something proactive yet again. Racing is a very sensitive issue for the National Party, considering it copped a whipping at the last state election for its racing policy, which consisted of ripping $30 million out of essential services such as education, health and housing. The people of Queensland soundly rejected this misuse of taxpayers' money. However, I note that this has not deterred the shadow minister, who now advocates that $8 million of taxpayers' money should be taken away from government responsibilities like roads or police and put into racing—something, I might add, which no government or opposition has ever advocated before in the entire history of Queensland. The terms of reference have enough scope to investigate all matters relating to integrity in the racing industry. So I reject calls to broaden this investigation. The last thing I want to do is to turn it into an event which would rival the Melbourne Cup. This is not a witch-hunt nor is it an attack upon the racing industry. This is about ensuring all Queenslanders maintain faith in the racing industry.

It could well turn out that the reforms already in place are working very well and nothing needs to be changed. After all, punters believe this to be the case as they continue to bet on races big time. This investigation must be allowed to run its full course. As I said, there is every reason to believe that integrity systems already in place are working. However, no system is entirely perfect, and as a government we take seriously our responsibility to ensure this industry is doing the right thing by the punters and the horses. I seek the opposition's cooperation and ask that it not politicise or undermine this panel's work.

MINISTERIAL STATEMENT

Queensland Police Service, Digital Communications

Hon. J.C. SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (10.02 a.m.): As the Premier has already mentioned, the Queensland Police Service, like those around the country and indeed the world, has been moving away from the old analogue radio system to a more secure encrypted digital system. I would like to put this shift into some context and to expand on the public interest, privacy and operational arguments. The secure digital system began operating in Brisbane's Metro North and South regions last October, and it is anticipated it will be progressively rolled out across the state. It is already operating in South Australia, Tasmania, the ACT and the Northern Territory. Western Australia has advertised for tender. Victoria and New South Wales are currently planning the introduction within 12 months.

The Queensland Police Service strongly supports this move as it will prevent people with scanners from eavesdropping on their communications. The officers on the ground working to prevent and investigate crime say that they will be able to get better results because criminals will no longer be able to monitor the radio system and elude police. They will not have to stop and think about what they say because people could be listening for their location as they search for an offender or are on their way to a scene of a crime in progress.

The Police Union goes further, arguing that the switch to digital is a workplace health and safety issue because the old analogue system had poor network reception both in Brisbane and in the country, and some calls for assistance could not be heard. Then there are the privacy considerations when people can listen in to information of a sensitive, personal nature such as someone's mental health history, criminal history or the identification of victims of sexual crimes. However, sections of the Queensland media believe their news gathering is being frustrated and claim that their ability to report crime will be determined by the news judgment of the police media unit. More serious is the claim that the Queensland Police Service will filter information for public consumption, and transparency and accountability will suffer.

The commissioner tells me that the Queensland police have not removed any service previously provided to the media. The ability of media organisations and others to intercept police communications was a by-product of technology and was never provided or facilitated by police.

I recognise police need the media as much as the media needs the police. That has been highlighted by the overwhelming support police have received in the search for Daniel Morcombe—the heavily subsidised advertising and the campaign to keep the case in the headlines. I know that police intend to continue their close working relationship with the media, in particular the crime reporters who, I am told, rely most heavily on their contacts for stories and freely available publications such as the police *Vedette*. I would encourage all stakeholders to make a submission to the CMC and perhaps to

take part in the public hearings. I assure them that the Premier and I will accept the CMC's recommendations.

MINISTERIAL STATEMENT

Indigenous Justices of the Peace

Hon. R.J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (10.06 a.m.): I am pleased to advise the House that our government is continuing to improve access to justice for indigenous people in Queensland. Next week the Aboriginal community of Wujal Wujal will celebrate the sitting of a magistrates court convened by local indigenous JPs. This court sitting is a real example of how our indigenous communities are becoming much more involved in their local administration of justice.

The court will be convened by two members of the local community who completed their training as justices of the peace last month. This JP training program continues to make a remarkable difference in many of Queensland's indigenous communities. Since it began in 1998, we have trained and sworn in more than 170 indigenous justices of the peace. This has happened in places such as Aurukun, Badu Island, Bamaga, Cherbourg, Hope Vale, Kowanyama, Mornington Island, Napranum, Old Mapoon, Palm Island, Pormpuraaw, Thursday Island, Woorabinda and Yarrabah. The JP program is giving people in these indigenous communities not only much greater access to justice but also much greater knowledge and understanding of the justice system itself.

Once a person is appointed as a JP, they are able to convene a proper magistrates court, which is vastly improved from the old community courts. A minimum of two and preferably three local JPs are required to constitute the court in this way. Courts constituted by indigenous JPs can deal with simple offences, bail applications, local by-laws and some domestic violence matters. This allows defendants to be dealt with quicker by the justice system and, because offences are normally simple offences, fewer convictions are being recorded against indigenous offenders. The most recently established indigenous magistrates court has been convened in Cherbourg. Local JPs conducted court sittings there during February, March and April this year. Another community where JP training is under way is Lockhart River. This should be completed in July, and we expect six to eight members of that community to be appointed as justices of the peace, magistrates court, at that time.The involvement of local indigenous people in the JPs program is helping to empower communities like Wujal Wujal, Cherbourg and Lockhart River, giving them a greater sense of self-responsibility about the conduct of their own communities and a more positive future.

MINISTERIAL STATEMENT

Mitchell Grass; Tartrus Anniversary

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Fisheries) (10.08 a.m.): While there is doubt about the long-term climate outlook, there is no doubt that the drought has eased in parts of Queensland in recent months. I have received and accepted the recommendations from local drought committees to revoke the drought declarations for 32 shires and two part shires, the latest revocations being the shires of Bendemere, Bungil, Warroo and Roma, which I approved today. Following these revocations, primary producers in those shires are eligible to apply for assistance in restocking their properties.

Despite good rains and substantial flooding in some areas earlier this year, large tracts of Mitchell grass country in central-western Queensland have not regenerated. Mitchell grass covers some 33 million hectares of Queensland. Mitchell grass has been one of the pillars of the grazing industry of western Queensland. Mitchell grass evokes outback legends such as Dame Mary Durack's *Kings in Grass Castles*.

In February, I inspected the problem in the Longreach district. The contrast to the response from annual grasses and other herbage species and Mitchell grass was stark. I discussed the establishment of a Mitchell grass project with officers of the department. To date this work has involved transplanting Mitchell grass tussocks to a shade house in Longreach to test its response to various watering regimes. Unfortunately, most of the plants did not respond.

An opposition member: They need steady rain.

Mr PALASZCZUK: This has brought the department to the conclusion that the only likely way to stimulate the drought-dormant Mitchell grass was through seed and, as the honourable member interjected, the right rainfall. Such a conclusion means recovery from drought will be slower and more delicate as producers depend on plants being established from seed.

I announce today the Mitchell grass project is about to enter its second phase with a series of information days to focus on long-term trends in rainfall and pasture growth, historical observations and effective management options. Departmental officers will use these days to give producers a demonstration of pasture sampling techniques and then provide graziers with a soil seed sampling kit so that they can easily sample for seed in the soil. The samples will then be returned to the department for processing, either through watering and then counting seedlings as they emerge, or through sieving the seed out of the soil and counting the numbers. By enlisting producers in this project we hope to answer the many questions we all have about Mitchell grass and its patchy response.

I would also like to report to the House that an important milestone for the cattle industry was celebrated at the weekend. The McCamley family celebrated the 50th anniversary of Tartrus near Marlborough in central Queensland. Sir Graham McCamley has been a cattle industry pioneer, leader and innovator. I am sure that members of this House will join me in congratulating Sir Graham, his wife, Shirley, and his family on the 50th anniversary celebrations, and also on their continued success.

MINISTERIAL STATEMENT

Child Death Review Committee

Hon. M.F. REYNOLDS (Townsville—ALP) (Minister for Child Safety) (10.12 a.m.): I believe it is important to bring the attention of the House to the significant reform work of my department in the area of child death case reviews and how the Beattie government intends to legislate to enhance this work and consequently enhance accountability.

These case reviews have become more rigorous since June 2002 and are governed by departmental procedures. As part of our reforms to the child protection system in Queensland, we will soon amend the Child Protection Act to ensure these reviews not only provide a legislative link for the new Child Death Review Committee but also provide even more rigour and more transparency. These reviews examine whether the Department of Child Safety responded appropriately to notifications of abuse and whether the department's work with other agencies like Health, Police and Education was sufficient.

The new Child Death Review Committee will be independent and its primary function will be to review Department of Child Safety case reviews of its interventions with any child who has died within three years of contact with the Department of Child Safety. This statutory committee will have the power to make recommendations, and when these are not met within a reasonable time the committee will be able to report on this to both myself as the Minister for Child Safety and the Premier.

When the department's Review of Significant Incidents Committee considers the nature of the department's contact with children who have died, its inquiries apply to a very wide range of children. They include those who are or have been in the care of the department through various orders, and all children about whom a notification of abuse has been made. The cases, for example, could include children whose parents have been accused of abuse by a neighbour, with just one phone call having been made to the department. The child may have died as the result of an accident or terminal illness.

Of the 14 deaths of children between 1 January and 30 April 2004 that are subject to review, two deaths were from suspected suicide, four were from sleeping accidents, possibly sudden unexplained infant death, three were non-accidental or infanticide, one was from a fall, one was from inhalant use, one was from multiple medical conditions and the cause of death of the remaining two have yet to be determined. This figure of 14 deaths of children compares with 15 deaths in the six months to December last year and I am advised the details of those 15 cases will be published as usual on my department's information gateway website in a few weeks time.

As minister I am determined that the new Department of Child Safety, which will be fully functional by December this year, is open, transparent and accountable. The implementation of this key CMC recommendation enshrines in legislation that key principle. Our most vulnerable children in the state deserve nothing less.

MINISTERIAL STATEMENT

Disability Action Week Awards

Hon. F.W. PITT (Mulgrave—ALP) (Minister for Communities, Disability Services and Seniors) (10.15 a.m.): The annual Disability Action Week Awards are a great opportunity for Queenslanders to honour people who have helped make our communities more inclusive for people with a disability. Today I have great pleasure in launching the awards. I am calling on members of parliament, community groups and Queenslanders generally to nominate people or groups whose efforts have made a difference for people with a disability.

There are many quiet achievers throughout Queensland whose work is deserving of our thanks and recognition. Now is the time to do that by nominating either an individual or an organisation across eight categories. Those categories are community organisations, private enterprise, government, media, transport, education, employment, and building an accessible environment.

We have all heard the saying that a society can be judged by the way it treats its most vulnerable citizens. I think it is also true that we need to show we value those who do devote themselves to helping our most vulnerable citizens.

Today we recognise as a government and as a community that people with a disability are first and foremost people with abilities. We are working towards building communities that are truly inclusive of all sectors of society, including people with a disability. Much of this progress is due to the many tireless people who advocate, fundraise, support, teach, write about and serve the needs of people with a disability.

Nominations for the awards close on 23 June and the awards will be presented during Disability Action Week, which runs from 18 to 24 July. Nomination forms and guidelines can be obtained from the Disability Services Queensland website or by calling 1800 010 222.

Disability Action Week is supported by Disability Services Queensland and sponsored by Coles Supermarkets, Griffith University, Black and White Cabs, Queensland Rail, the Department of Employment and Training, the Department of Public Works and Queensland Transport. I thank all those organisations and I look forward to updating the House further on Disability Action Week events.

MINISTERIAL STATEMENT

Smoke Alarms

Hon. C.P. CUMMINS (Kawana—ALP) (Minister for Emergency Services) (10.18 a.m.): It is pleasing to note that more Queenslanders than ever before now have smoke alarms in their homes. But sadly, up to eight per cent of these smoke alarms do not work properly because either they have flat batteries or, even worse, the batteries have been deliberately removed.

This means that 108,000 home owners throughout the state admit that their smoke alarms do not work, mostly because batteries have been removed or disconnected. These statistics are contained in a major community survey conducted for the Department of Emergency Services by the Office of Economic and Statistical Research. More than 3,000 householders throughout Queensland were contacted in a month-long survey which assessed a range of issues relating to the Queensland Fire and Rescue Service and Queensland Ambulance Service.

The Queensland household survey revealed that for the first time more than 80 per cent of Queenslanders now lived in properties which had smoke alarms fitted, up from 79.3 per cent last year, 72.4 per cent in 2001 and almost double the 40 per cent recorded in 1995. Having smoke alarms installed is a vital safety issue, but they are useless if they are not working.

Recently the *Morning Bulletin* in Rockhampton recorded another case where a working smoke alarm averted a tragedy. A neighbour heard the smoke alarm going off and called the fire service, preventing a potential disaster. Ever since smoke alarms became a feature of Australian homes there have been very few cases where people have died in homes that had properly located and operating smoke alarms. By comparison there are countless cases where fires have been able to be contained and property and lives saved by early warning from smoke alarms. Simply said, working smoke alarms are real lifesavers.

I find it quite amazing that given all the publicity and the excellent work of our firefighters in pushing the benefits of smoke alarms that so many Queenslanders still live in properties where they are not installed. Among the other findings of the survey were that 35.3 per cent of homes had a fire extinguisher and 18 per cent a fire blanket, while 39 per cent of the state's families had a home evacuation plan—vital for effective evacuation during a fire emergency.

Once people have installed a smoke alarm, they need to maintain it. To do this they need to vacuum the front of alarms on a regular basis, change the battery once a year and replace the smoke alarm before its expiry date. A good time to change the battery on the smoke alarm is on a birthday or on another significant event that people remember, so it is not easy to forget.

I urge people wanting more information about smoke alarms and fire safety to contact their local fire station or visit the QFRS web site at www.fire.qld.gov.au. The lead-up to the winter months—which are statistically the worst months for fire deaths in Queensland—the perfect time for home owners and renters to take action to address fire safety levels. The QFRS also provides a free home safety check—Operation Safehome—which can be organised by calling 1800 81 50 80.

MINISTERIAL STATEMENT

Indigenous Funding and Services

Hon. E.A. CLARK (Clayfield—ALP) (Minister for Aboriginal and Torres Strait Islander Policy) (10.21 a.m.): Today is the day the federal government needs to show Aboriginal and Torres Strait Islander peoples it is serious about the future of indigenous Australians. Last month, the Commonwealth announced the ATSIC experiment had been a failure and the Aboriginal and Torres Strait Islander Commission would be abolished. While we know there have been problems with the commission, there has been no guarantee that services and funding for Aboriginal and Torres Strait Islander people will not be cut back. Yes, we have heard the federal government plans to appoint a national indigenous council as an advisory group. Yes, there appear to be plans for indigenous coordination centres in rural and remote areas.

But we have seen no details. We do not know that this is—as the federal government claims—'better value for money' or whether it is just cost shifting. While there have been statements that ATSIC money will be quarantined, what happens once that money is mainstreamed through different departments? Will the Commonwealth guarantee it will not cut back existing Aboriginal and Torres Strait Islander programs and services that already are run through these departments rather than ATSIC? Can the federal government assure Torres Strait Islanders they will provide services which respect them as a separate people with a separate culture? Will the Commonwealth continue to address existing disadvantages and allocate further funds on the basis of need? Will the federal government provide mechanisms that support stronger Indigenous community based organisations that enhance self-determination?

Last week, Aboriginal and Torres Strait Islander affairs ministers from around the country met and agreed it was impossible to know that the future was on track for indigenous Australians until we find out just where the Commonwealth is going. Today, the federal budget will be brought down. It is more than time that we knew the detail about the future of Aboriginal and Torres Strait Islander funding and services. Let us hope tonight's budget fully outlines a certain future for Queensland's Aboriginal and Torres Strait Islander peoples.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Hon. K.W. HAYWARD (Kallangur—ALP) (10.23 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 2 of 2004*.

OVERSEAS VISIT

Report

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.24 a.m.): I table a report of an overseas trip I undertook as Leader of the Opposition between March and April this year. I thank those involved from the Queensland government and our embassies who helped to bring the trip together. It is my intention, as time goes by, to meet with various government ministers to pass on the observations I made whilst overseas and to relay individual opportunities in particular areas which I was made aware of.

PRIVATE MEMBERS' STATEMENTS

Ministerial Motor Vehicles

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.25 a.m.): This morning in parliament the Premier was significantly embarrassed. He was forced to indicate that later today he will be tabling some 32 pages of documents that were taken to cabinet, subsequent to a decision which cabinet made last year to do away with ministerial electorate motor vehicles. We really have to ask the question: why did the Premier and this government seek to hide that particular information from the scrutiny of the people of Queensland? We already know that over 600 documents were taken to cabinet prior to 10 November last year in order for the government to be able to make what it says were, 'certain decisions relating to the future of ministerial electorate motor vehicles in this state'.

We also know that contained in those documents were matters which this government feels embarrassed about and that certainly followed on from the circumstances surrounding Merri Rose. We

also know that there was significant information contained in those documents relating to motor vehicle accidents which this government was too embarrassed to indicate to the public of Queensland.

The simple question which the Premier must answer is: why did he want to hide those 32 documents? Why did he take 32 documents to cabinet after that cabinet decision was made? It was only in order to hide those documents from the people of Queensland. We have a Premier who is embarrassed. We have a Premier who sought to cover up. We have a Premier who has now been forced to confess. We have a Premier who has been forced to come clean. My simple challenge to the Premier is, whilst he may have released 32 documents, release the other 603 documents. What is the Premier hiding in those?

Antidiscrimination Legislation

Ms NOLAN (Ipswich—ALP) (10.27 a.m.): The Howard government last week announced plans to amend the federal antidiscrimination act to contend with what it says is a national crisis—a shortage of male teachers. The government, not noted for its support of affirmative action, made its announcement having made no previous efforts to encourage men to teach and having consulted with no-one. While for John Howard a shortage of male teachers is an issue of such national significance that a bedrock of human rights must be watered down, this government has done nothing in its eight years in office to alter the fundamental gender bias against women in a range of important fields.

In 2004 women make up just 14 per cent of board members of Australia's top 100 companies. Only two of those companies have female chairs. Of the 19 federal cabinet ministers only two are women. Despite the fact that 70 per cent of Australian teachers are women, 60 per cent of school principals are men.

Perhaps women have the time to teach because they are certainly not running the country. The Howard government's move to change the antidiscrimination act is just another step in its concerted campaign to appeal to the right wing men's movement. It follows the efforts to nobble the sex discrimination and human rights commissioners and the much publicised campaign against the Family Court.

This has nothing to do with establishing equality in teaching; it has everything to do with placating men's groups who feel that as women have inched forward they have missed out.

International Children's Conference on the Environment

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (10.29 a.m.): Lauren Kirk, a 13-year-old who currently attends St Ursula's College in Yeppoon, is the Australian child to help lead the International Children's on the Environment conference in the USA and is a member of the junior board. She is one of a number of children from around the world to represent the youth and the community in the world in these issues. They meet from 19 to 23 July. They will come together at the 2004 Tunza International Children's Conference on the Environment to discuss issues of critical importance to the world.

The delegates will study, deliberate and publish their unique positions on oceans, rivers and waterways, living on the edge of extinction, indigenous healing ways and energy policy. Assembling at Connecticut College in New London, Connecticut, USA, these 600 young people aged 10 to 13 will speak out on what needs to be done to save our environment.

I commend Lauren for her enthusiasm. She has been involved in this work from her primary school years. She has spoken to Midday Rotary and has been interviewed by ABC radio. The Marine Education Society of Australia has also nominated Lauren for the Young Queenslander of the Year Award. She is going to speak at its annual conference in October.

Lauren said that, to be a really great ambassador for Australia, she would like to meet with the Premier and listen to his advice on how children can make a difference, and I will certainly be putting that request to the Premier this week. I wish Lauren safety in her travels and all of the participants a great time of fellowship and growth. I am sure that, as a result of this conference, we will be better informed as to the perspective of youth in Australia and the world.

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

QUESTIONS WITHOUT NOTICE

Ministerial Motor Vehicles

Mr SPRINGBORG (10.30 a.m.): I refer to the Premier's admission this morning that nine files and 32 pages of documents denied in the opposition's freedom of information request on 24 December could not possibly have been taken to cabinet on 10 November 2003 when the decision was made to do away with ministerial electorate vehicles because they had been received later. I note that this morning the Premier has agreed to release these documents even though he has claimed cabinet exemption

from releasing them, and there are another 603 pages of documents relating to this particular matter in parliament, and this is the size of what has been hidden in the cabinet process. If the Premier—

Mr Beattie: Is this a question?

A government member: Did you count them yourself? Table them!

Mr SPRINGBORG: I am just trying to indicate what 603 pages looks like. Did the member read them all?

Mr SPEAKER: Order! The Leader of the Opposition will ask the question.

Mr SPRINGBORG: Mr Speaker—

Mr BEATTIE: Mr Speaker, under standing orders, I move that the document be tabled.

Mr SPRINGBORG: I am happy to. It is only 603 pages or thereabouts of information. If he wants it, that is fine.

Mr SPEAKER: Order! The Premier has just moved a motion that the documents be tabled.

Mr SPRINGBORG: There are no problems with that, Mr Speaker, no problems at all. Given that this is what—

Mr SPEAKER: Order! The member will get on with the question now.

Mr SPRINGBORG: Mr Speaker, given that this is what 635 pages looks like—

Government members interjected.

Mr SPEAKER: Order! We are now getting into repetition. The member has said that three times I think. Would the Leader of the Opposition now please ask the question.

Mr SPRINGBORG: Given that this is what 635 pages looks like—

Mr SPEAKER: Order! That is a fourth time.

Mr SPRINGBORG: Given that this is what 635 pages looks like, of which the Premier has tabled 32, will he now agree to table the other 603 pages, or is he seeking to hide embarrassing information regarding the abuse of those motor vehicles?

Mr BEATTIE: I thank the Leader of the Opposition for his question. I have informed the House that I am quite happy to table all the documents generated between 10 November and 24 December. I said at the time when we released these documents that I was happy to table them, and we will do so. In fact, I now table the documents relating to the FOI application period between 10 November and 24 December. I table them. I made it clear that when cabinet decisions are made it is crucial for ministers to be able to examine all relevant documents. Cabinet confidentiality then necessitates that those documents should remain confidential. However, I have also made it clear that, unlike other governments, I will not wheel, and nor will my ministers, documents into cabinet to exempt them from discovery by the freedom of information process.

The opposition has filed an application under the FOI process for documents relating to accidents and repairs to motor vehicles between 10 November and 24 December. Nine documents including 32 portfolios were located in the FOI search. The Department of the Premier and Cabinet official responsible for FOI ruled that they should not be released because they were cabinet documents. The department does not have the mandate to release those documents, but I do. I have the power to overrule the department, and I do so. My department has handed me the documents referred to in the FOI decision, and I have tabled 28 pages of the 32 referred to in the FOI decision. The other four pages are the cabinet submission itself and, as we all know, under the rules the cabinet decision cannot be photocopied. The documents I table this morning refer to accidents and repairs to ministerial vehicles, electorate vehicles and staff vehicles between 10 November and 24 December 2003.

Let me advise the House that there have in fact been minor repairs to my ministerial vehicle as well in this period. Actually, the damage was before this period but repairs were done in this period to the car. It occurred as a result of my inspecting serious damage caused by bushfires behind the Gold Coast. Fire crews were still on the scene as my driver manoeuvred the car into a narrow driveway, and the expenses were $185.08. In fact, to make it easier, I will table a chart for the information of all members to show how accountable and transparent we are.

I might add for the information of the House that the Leader of the Opposition, who makes great of this issue, twice had an opportunity this morning to reveal that he recently had another accident in his vehicle. It is the second accident that he has had. He has never been forthcoming in this House, to the best of my knowledge, and we checked what he tabled. He has not revealed his second accident. He has had two and he has never released them in this House, to the best of my knowledge, and I have had the tabled documents checked. Why did he not tell the House this morning that he had had another accident? Why did he try to hide it from the House?

Mr Hobbs: It was in the *Courier-Mail*.

Mr BEATTIE: The last accident? When? No, it was not. The member does not know what he is talking about. Here is the Leader of the Opposition being hypocritical. I have tabled all of the material. Come on. Tell us the details of the last accident.

Mr SPRINGBORG: Premier, everything that I have you have over in your office. We are a creature of you. I have no problem. I actually talk to the media about those things all the time.

Paedophiles, Suppression Orders

Mr SPRINGBORG: I refer the Attorney-General to a decision by a magistrate in deciding to permit a twice-convicted paedophile to drive a school bus and also the issuing of a suppression order in relation to the decision and the fact that the magistrate was unable to recall later that day what authority he had used to issue that order, hiding this decision from public. As the senior law officer of this state, will the Attorney advise this House if he believes that it is appropriate for courts to issue a suppression order without specifying what authority the order is being issued under? Will he also confirm that the Crown agreed with the suppression order being instigated?

Mr WELFORD: The honourable member continues his practice of playing politics and trampling roughshod over the time-honoured principle of the separation of powers. He simply does not understand that it is not for me, nor him, nor indeed any member of this parliament to interfere in the administration of justice in our courts. That is fundamentally a matter for the courts to determine. I know that the honourable member was on radio yesterday afternoon calling on me to interfere in the court decision and to table in this House the reasons that a magistrate might have for conducting a certain matter in the court according to the way it progressed.

I want to make it very clear to the honourable member and to all members of the House that it would be utterly inappropriate for me as Attorney or for any other member of parliament or member of the government to seek to interfere in the administration of the independent judicial process of the Magistrate's Court to respond to the dictates of an Opposition Leader about what reasons may or may not exist for orders which may or may not exist. The honourable member has asserted, for example, that suppression orders were made. I am not privy to a proceeding that, according to my understanding, was held in camera, so I am not aware whether in fact suppression orders were made, and neither is the Leader of the Opposition. But, Mr Speaker, as you will note, that has not prevented the Leader of the Opposition from speculating in gross ignorance upon this matter and seeking to impugn the judicial responsibility of the magistrates concerned. I simply reinforce the simple fact that the separation of powers means that the courts are independent of the legislature and that the court, according to its own process according to law, will determine when reasons for decisions are published.

Mr SPEAKER: Order! Before calling the member for Ipswich West, I welcome to the public gallery students and teachers of Toowoomba's St Mary's College.

Fuel Prices

Mr LIVINGSTONE: I refer the Premier to the fact that fuel prices are tipped to soon break through the $1 a litre barrier. While the war on terrorism and global pressures beyond our control are largely to blame, what is the Queensland government doing to keep down fuel prices in this state?

Mr BEATTIE: I thank the honourable member for his question, because I know that the people of Ipswich and its surrounds, whom he represents, are particularly interested in this issue, as we all are. Predictions that surges in world crude oil prices will soon drive petrol beyond the $1 a litre mark have us all concerned, although I heard some news earlier this morning that things may have improved. I certainly hope so. We may not be able to influence world oil prices, but we can let local outlets know that we are watching them in their prices and that we are prepared to shop around. That is what I urge motorists to do.

While we are now looking at oil price highs not seen since 1990, my government will continue playing its part by keeping the state fuel subsidy of 8.3c a litre in place. I am delighted to highlight that this subsidy is working. To prove this, and taking in mind day-to-day individual market fluctuations, for the month of April, for 20 of 30 days Brisbane's average fuel price was greater than 8.3c a litre below the average Sydney price. I must say that I was pleased that, for the Easter period and the following week, every day Brisbane's average petrol price was greater than 8.3c a litre less than the average Sydney price and that on one day it was more than 11c a litre cheaper.

As members of this House will know, at times I have attacked the petrol industry, but on this occasion I want to thank them for doing the right thing. Our lower fuel prices position was part of a major article about Queensland that appeared in Thursday's *Sydney Morning Herald*. That article highlighted that not only are our house prices lower and that we receive better value for money when buying houses but also we have cheaper petrol. One paragraph in that article in the *Sydney Morning Herald* stated—

> Queensland has cheaper stamp duty and cheaper petrol. It is the state with the largest population growth—85,900 arrivals last year—and the lowest unemployment.

That is not a bad rap from the *Sydney Morning Herald*.

I return to the issue of fuel. In the past two months, world oil prices have fluctuated from a high of $38 a barrel down to about $34 a barrel a couple of weeks ago. But now the $40 a barrel barrier looms large. Much of this increase has been attributed to the war in Iraq, OPEC's supply management and the impacts of the continuing war on terrorism. However, earlier this year I welcomed new discount players into the fuel market. We all appreciate the advantages that they have given us, but this present world push in petrol prices means that locals still have an obligation to play fair and to keep up the good work that they have been doing. So whilst today I thank them for their good work, I think that they need to be on notice that we are going to be continuing to keep a very close eye on what they are doing. I think that we need to remember that oil prices are very much about cost of living issues.

While I am talking about figures, I notice that, unfortunately the Liberal Party does not seem to be with us as much as it has figured in the recent Morgan poll. I was interested to see that recent poll—and I think that most members would have seen it—because it demonstrated that there has not only been an increase in, obviously, the vote for the government but also the vote for the Liberal Party, and a decrease in the vote for the National Party. I look forward to continuing to see the current Leader of the National Party performing as well as he is.

Bundaberg Base Hospital, Involuntary Patient

Mr COPELAND: I direct a question to the Minister for Health. I table two documents, a copy of which I have already provided the minister, in relation to a recommendation for assessment under the Mental Health Act. This request relates to a patient who was admitted to the Bundaberg Base Hospital on 21 June 2003. The minister will note that the request was not completed until 24 July 2003 but was subsequent fraudulently altered to backdate the request. Can the minister explain to this House and to the staff of the hospital present here today why a patient can be detained as an involuntary patient without the required recommendation for assessment, why records were falsified and why staff who have tried to bring this maladministration to the attention of management and to his office have been bullied and victimised?

Mr NUTTALL: In relation to the issue raised by the honourable member, I am not aware personally of that matter. The member has raised some serious allegations in the House today in relation to matters that happened in July 2003, I think he said. As I said, these matters have not been brought to my personal attention. I undertake to have a look at those matters and get back to the honourable member.

Suncorp Stadium

Mr FRASER: Again on Saturday night Queensland scored another memorable victory over New South Wales, this time on the Rugby battlefield. How many people witnessed that great event first-hand and how many of them were fortunate enough to do so because of the magnificent Suncorp Stadium?

Mr BEATTIE: I thank the honourable member for the question. Politics is a strange business. I remember when so many critics attacked the redevelopment of Suncorp Stadium. Every week or so the *Courier-Mail* used to give us a belting over it. We had the opposition who was opposed to it. Now, of course, everybody applauds it as being—

Ms Bligh: They've seen the light.

Mr BEATTIE: They have seen the light. They now applaud it as being a visionary construction which is making certain that Queensland is internationally competitive. Mr Schwarten would remember some of the criticism that we have taken on this.

Mr Schwarten: Only too well.

Mr BEATTIE: Let me tell members that on Saturday night I was one of 42,237 people at Suncorp Stadium cheering on those gallant Bank of Queensland Reds as they beat the Waratahs 23 to seven. What a great game it was. The crowd number was an Australian Super 12 record, and that was achieved despite all-day rain. Had this game been played at Ballymore, there would have been 20,000 people fewer. I want to congratulate the Queensland Rugby Union, the Australian Rugby Union, New South Wales Rugby Union—all of those who have seen the light, if you like, in terms of the importance of Suncorp. I indicate to them clearly that we are keen to work with them to make sure that this stadium not only supports Rugby League but also supports Rugby Union.

I put on record my appreciation to my ministerial colleagues who, with me, shared the vision of what Suncorp Stadium was going to deliver for Queensland. It was the right result. I now return to the game itself. It was an excellent game, especially the outcome. It was one where at least 10 of the Reds yelled to Wallabies selectors that they will be in this year's team. We look forward to that because there is another big match coming up.

Mr Lucas: Lote Tuqiri scored a try, and he's an ex-Bronco.

Mr BEATTIE: That is right. The only one who scored for New South Wales was Lote Tuqiri—a Queenslander. I have to say that I am looking forward to the Wallabies-England rematch on 26 June. I hope that all members will be there. I think that the skipper, fly half Elton Flatley, was the key. His direction of play was the key to our success.

Mr Horan interjected.

Mr BEATTIE: The member for Toowoomba South will be there. They are all joining us these days. I said hello to the member's boy on Saturday night. I have to say that he is looking well. Last year, I think that we need to remember that, because of this fantastic stadium, which is one of the best Rugby Union and Rugby League stadiums in the world, an additional 111,000 spectators enjoyed their Rubgy at Brisbane's Rugby World Cup games. As the Deputy Premier and Treasurer, Terry Mackenroth, said in this place recently, we are expecting our millionth customer to walk through the gates on 28 May. That is one million people in less than 12 months. That is an amazing achievement. I want to thank the groundsmen and the rest of the team for putting that together.

The people have voted. Those whingers have been silenced by the army of supporters who are marching in and out of the stadium. It has been fantastic. We look forward to extra events this year.

Bundaberg Health Service District, Illicit Substances Policy

Mr MESSENGER: I table an extract from the policy and procedures manual of the Bundaberg Health Service District titled 'Suspected Illicit Substances'. The policy provides for staff who suspect that a patient possesses illicit substances to remove the substance or to dispose of it. The minister will note that no patient is to be automatically reported to police. As the Minister for Police, does she condone a policy that allows those in possession of illegal drugs to remove or destroy the evidence and fail to report the possession of illegal drugs to the police, or is this part of the minister's government's soft on drugs policy?

Ms SPENCE: I did not think that anyone in the community thinks that this government is soft on drugs or soft on crime. I think that is a bit of nonsense by the member. In terms of that policy, I am not aware of that specific policy, but I am happy to take it up with the Health Minister. I know from discussions with Queensland Health and previous Health ministers that there certainly are protocols that health professionals have to follow with respect to privacy of information, and there are good reasons for that. But I will look at that policy and get back to the member

Mr SPEAKER: Order! Before calling the member for Noosa could I welcome to the public gallery students and teachers of Gin Gin high school in the electorate of Callide. Could I also welcome students and teachers from Southern Cross College in the electorate of Redcliffe.

Federal Budget, Health

Ms MOLLOY: I refer the honourable Minister for Health to the federal government's budget, due to be announced tonight, and I ask: can the minister outline what measures should be included to help provide the best possible health care for Queenslanders?

Mr NUTTALL: I thank the honourable member for Noosa for her question. I have had the pleasure of visiting Noosa Hospital with her and looking at the good services that are being provided up there.

The federal government in its budget tonight actually has a unique opportunity to assist Queenslanders in terms of better health facilities and health resources. As most of us would know, GPs are struggling to maintain the bulk-billing system because of the federal government's lack of commitment to it. The Howard government is the organisation that is responsible for the number of GPs we have in this country. In tonight's budget it can increase the number of university places.

We have a national shortage of GPs, which is a national disgrace. Last year 5,000 young students applied to study medicine in this country, yet our universities could accept only 1,500 of them. It is a national disgrace that we do not encourage more young people to study medicine in this country. At the same time as that is happening, here in Queensland alone because of those shortages we are required to recruit over 1,200 doctors from other countries.

Mr Rowell: They do not want to go out to the rural areas.

Mr NUTTALL: We will get to the issue of rural areas. I am pleased that the honourable member has raised that. Tonight's budget represents another opportunity for the Howard government to address the issue of rural places. There are a number of initiatives that the federal government could implement. The first thing it could do to encourage young people to study medicine and to work in rural and regional Queensland is to give them some incentive, such as reducing their HECS debt, which will be exorbitant by the time they finish studying medicine. Another thing it could do is extend the bonding program to encourage regional and rural Queenslanders. The Rural Doctors Association of Queensland has given a 10-point plan to the federal government setting out its view of how we should increase the number of doctors, nurses and allied health workers into regional and rural Queensland. The federal government is

yet to respond to that. I suggest that the honourable member get in touch with his colleagues in Canberra to discuss that issue.

As most of us would know, the federal government has indicated that it intends to have tax cuts in the budget. A small portion of those tax cuts should go towards the Medicare levy so that it will allow more doctors to be able to bulk-bill so that more young people and young families can attend their doctors. They are the areas that I think the government needs to address. It is not rocket science; it is about ensuring that Queenslanders have better health and better resources. The federal government has an opportunity to address that in its budget tonight.

Corrective Services, Security of Prisons

Mr QUINN: My question is directed to the Minister for Police and Corrective Services. I refer the minister to the incident involving a woman who escaped from the Gold Coast Hospital's mental health unit only to end up being discovered amongst the dirty laundry in a men's maximum security prison in Brisbane. In light of the break-out last night of a murderer and an armed robber, I ask: does the minister stand by the Department of Corrective Services's claim that it is running one of the most secure prison systems in the world? If this happens in the maximum security prisons, what can we expect from the minimum security ones?

Ms SPENCE: The honourable member raises a lot of issues. I will endeavour to answer them in the next three minutes. First I refer to the very unfortunate incident that occurred a couple of weeks ago when a patient from the Gold Coast Hospital was discovered in the Sir David Longland laundry. That is certainly unfortunate. I am pleased to say that the woman concerned suffered no injury from that experience. I think that is the main thing we should all remember.

I was very alarmed that someone could enter the prison via the laundry. I immediately ordered an investigation of all our prison laundries. We have five around the state. We immediately put new procedures in place covering the entry of vehicles into those correctional centres and the inspection of vehicles. We have rostered two extra staff at each facility to assist in the searching process. We have immediately ordered X-ray machines for all those facilities. Those X-ray machines will arrive at those prisons in the next two months. I believe that we will have certainly better processes of searching the laundries in the future.

With respect to the prison escapes that occurred last night, it is important to note that the two escapees escaped from work release placements. They were not from secure facilities. In fact, the Beattie government can be very proud of the fact that in its term, in the last five or so years, there has not been one prisoner escape from a secure facility in this state. These two prisoners were at a work release facility at Wacol. Arrest warrants have been issued for the prisoners. They were placed in that work release facility by a community corrections board. It is important to remember that work to release is part of the graduated release program that many prisoners go through. We have to remember that most prisoners one day will be released from custody. It is important that they have a gradual release, and work to release is one part of that process.

This financial year 3.6 per cent of prisoners have absconded from community custody. That compares very favourably with, for example, 2000-01, when 8.5 per cent of prisoners absconded from community custody. Each year there will be a small percentage of prisoners who do escape from those community correctional facilities, but I am very pleased to report that most of those prisoners are redetected and returned to custody. In fact, I had a report last week about a prisoner who absconded from parole in 1977. Because of a joint operation between the Department of Corrective Services and Police, he was located in New South Wales and on 1 April returned to Arthur Gorrie to serve his sentence. So the long arm of the law finds these people eventually.

Bruce Highway Closures, Flooding

Mr WALLACE: My question is addressed to the Minister for Transport and Main Roads. The Bruce Highway between Thuringowa and Cairns has experienced recent closures due to flooding. Can the minister please outline to the House what is being done to address this serious problem?

Mr LUCAS: I thank the honourable member for the question. In the short time he has been in this House he has demonstrated great diligence and proficiency in representing the interests of north Queensland—not only in this chamber but also at the community cabinet in Townsville. He assiduously represents the interests of that great city, as his colleague members do in this place.

Flooding of the Bruce Highway is a major safety issue. It is a major issue for trade and commerce. It is a major issue for tourism.

Ms Bligh: Does the federal government care about that?

Mr LUCAS: No, the federal government does not appear to care about that. Honourable members would be interested to know that just a week ago the southern approaches to the Tully River

bridge were cut by flooding. This section alone carries 4,200 vehicles a day. Fifteen per cent of those are heavy vehicles.

I hope that tonight's federal budget will provide some relief for Bruce Highway users. One of the problems with people in Canberra is that they do not understand that Queensland exists outside its capital city. They think national highways in this country connect Brisbane, Sydney, Melbourne and Canberra. They do not think they go up the coast of Queensland. Queensland has 20 per cent of the National Highway and 27 per cent of the journeys. We have more journeys on our National Highway than any other state besides New South Wales.

Mr Rowell: Is it on your priority list?

Mr LUCAS: If the honourable member listens, the honourable member will find out very shortly. I hope it is a priority of his to address his federal government colleagues about the real importance of them taking some action here.

The Queensland government has asked the federal government for $93 million under our National Highway System Forward Strategy Report just to address flooding on the highway between Townsville and Cairns. The big problem areas are the southern approaches to Ingham and improving flood immunity between Corduroy and Banyan creeks on the Tully-Murray flood plain. We also need flood immunity upgraded on the Mulgrave River crossing near Gordonvale. The preliminary estimate for that is $20 million to $40 million. We need the federal government to maintain its funding responsibility.

In the *Courier-Mail*, which I read assiduously, particularly in relation to transport issues, people would have seen a few weeks ago that the federal roads minister, Senator Campbell, indicated that he would be giving Queensland a big increase in funding in the budget and he saw a number of priorities there. I took that in good faith. I went to the Australian Transport Council in Perth in good faith saying, 'We are very keen to work with you.' I was very disappointed this morning to see in the *Courier-Mail* that it is essentially ruling out $600 million worth of funding to the Ipswich Motorway. Not only that, we need $600 million a year from the federal government over the next five years to bring our National Highways up to an acceptable standard.

The federal government gets an enormous amount of money when it comes to the federal fuel excise. I think 12 per cent of that is returned to the taxpayer. We spend about $1.3 billion a year in Queensland and about 20 per cent of that comes from the federal government. It is about time the federal government got serious on regional national highways in Queensland. The Barkly Highway is the worst of the worst, as is up the coast and our national highways and other significant roads in the south.

Community Ambulance Cover

Mr CHRIS FOLEY: My question without notice is directed to the Minister for Emergency Services. Constituents have brought to my attention—and I confirmed this by looking on the web this morning—that the community ambulance brochure states—

All funds raised by Community Ambulance Cover go directly to funding the ambulance service.

Is this correct or does any part of the revenue raised go into consolidated revenue or any other government service?

Mr CUMMINS: I thank the member for the question. This government introduced the community ambulance cover last year and it will see 240 new paramedics introduced across the state in this term of government—110 this year. The funding for the community ambulance cover does not go to fire engines; it does not go to Smart State number plates, as the Leader of the Opposition has inferred.

Mr Seeney: When did he say that?

Mr CUMMINS: He said it in a press release in the last sitting of parliament. I will bring it in and table it for the member. The community ambulance cover goes to providing—

Mr Horan interjected.

Mr SPEAKER: Order! The member for Toowoomba South! Honourable members of the opposition, you have question time every morning where you have the opportunity to ask questions. When ministers are on their feet answering the questions, I expect that you will show them some courtesy.

Mr CUMMINS: The community ambulance cover goes towards providing Queenslanders with the best community ambulance system that we can, and the money will be well spent and well accounted for. If the member for Maryborough does not believe that question has been answered fully, I will get back to him with more information.

Wine Industry

Mr BRISKEY: My question is directed to the Minister for Tourism, Fair Trading and Wine Industry Development. We all know how much confidence the Premier and the minister have in the potential of our wine industry. Is there any action the federal government can take to provide the same level of government support for the industry as we have in Queensland?

Ms KEECH: I thank the honourable member for the question. Queensland's wine industry is full of enthusiasm and passion, and why shouldn't it be? It is excited about the level of support provided by the Beattie government and it wants to work with us. I hope the federal government, in handing down its budget tonight, also recognises the potential of this industry and removes the wine equalisation tax on smaller producers. Prime Minister John Howard and Treasurer Peter Costello can prove their support for the industry with a simple stroke of the pen.

The wine tax is a major constraint to continuing industry growth. I wrote to Mr Costello in March this year asking him to lessen the wine equalisation tax burden on the industry, and guess what? I am still waiting for a response. The impact of the WET on boutique and small wineries was again a topic of concern at a wine industry workshop held on the Gold Coast hinterland last week. It had previously been a talking point at our inaugural wine industry leaders forum at Highfields on 31 March. As Queensland producers are concentrated in the small to medium producer areas, the wine tax strongly discriminates against the Queensland industry.

I will be watching tonight's budget with a great deal of interest and so too will be our wine industry. One of the reasons there is so much potential for the industry in Queensland is that of the close links between wine, food and tourism. It is no wonder our industry is growing so rapidly. Even Victorian Wine Industry Association Chief Executive Mark McKenzie recognises the enormous potential here in Queensland. He says that the appointment by the Premier of a minister for wine has caused quite a stir in Victoria. He says that Queensland is leading the charge, putting other governments on notice that we have seen the value in wine production and winery tourism.

Mr McKenzie says that Queensland has a marvellous opportunity to grow the wine industry because we have such a well-developed tourism sector which can be boosted by wine production. He says that our future is very bright, and I certainly agree and so does the Premier. Our industry is growing significantly and he sees having the Minister for Tourism as the Minister for Wine Industry Development as a very, very significant step towards this.

Many Queensland wine producers have identified how vital tourism can be to their businesses. They are opening cellar doors, restaurants and cafes and have accommodation on site. Wine tourists spend 68 per cent more a day than the average tourist here in Queensland. The industry has enormous potential for growth and for creating jobs, particularly in regional Queensland. Let us hope that John Howard and Peter Costello show the same faith in Queensland's wine industry by delivering in tonight's budget.

Local Government Valuations

Mr MALONE: My question is directed to the Minister for Local Government and Planning. I refer to the retrospective legislation passed in this parliament the week before last to bail the government out of trouble following its failure to complete the annual property valuation this year and to resolve an industrial dispute with the State Valuation Service. Given that the Premier had signed a protocol with the Local Government Association last year to consult with it before any laws or policies affecting local governments were approved, how does she justify her failure to consult with LGAQ on this legislation and her shredding of the agreement with it just three months into this parliamentary term? Is this the new face of the transparent, consulting, caring and accountable Beattie government?

Ms BOYLE: I thank the honourable member for the question. In fact, my consultations on that matter and other matters with local government are my daily occupation these days. I am pleased to say that the impression the honourable member has that I have not consulted with the Local Government Association as well as with some individual councils about the lack of a valuation this year is quite in error. In fact, there were many conversations with the president, the acting president and the CEO of the LGAQ in which they indicated that, while it was not a desirable situation, most councils would, if anything, be relieved that there was to be no annual valuation this year.

The LGAQ is also well aware of how strongly I embraced the protocol signed by the former Minister for Local Government and Planning and by the Premier with local government last year. In fact, I am pleased to inform the honourable member that at Hughenden on the weekend at the north Queensland local government conference I again stated my absolute commitment to the proper administration and implementation of the protocol. It is a fine protocol. There are, nonetheless, some matters of timing that need to be addressed in terms of who does what in what order to make sure that consultation is full and smooth right across government, and I look forward to taking a role in making sure that that protocol is properly implemented over the next three years.

There was much good news at the north Queensland local government conference. There is a tremendous vibrancy amongst councils since the elections, particularly some of those councils whose rate base is quite limited. No council present at the conference expressed any concern about the lack of valuations this year. Their issues of concern are much more forward looking. They did express some opinions about the conduct of the local government elections this time around and their wish for some changes next time and to be included in that process. They certainly did discuss with me other concerns that they have—for example, small lot subdivisions, particularly in rural areas, and the whole policy we have which advises against rural subdivisions. It was a fulsome agenda and valuations were not on it.

Housing Industry

Ms JARRATT: My question is directed to the Minister for Public Works and Minister for Housing. Earlier this year the minister reported to the House that building prices in Queensland had risen by 24 per cent since the year 2000. Recent reports indicate that the construction industry is slowing in the residential sector. Could the minister please provide an update on this issue?

Mr SCHWARTEN: I thank the honourable member for Whitsunday for her question. We might be calling her the member for Monte Carlo shortly because if anybody could talk about building booms certainly she could. She would certainly be well aware of the construction costs that have increased over the last four years. In fact, on a number of occasions she has raised that with me, and I thank her for that.

The reality is that while there has been something of a slowdown in the real estate market, it is not mirrored in the construction industry. Looking at the BSA figures for the same time last year, insurance work was $2.7 million whereas this year we are up to about $3.1 million. That is not commercial building; that is just housing construction. That gives you some idea. It is about a 15 per cent increase in that regard.

If you are in any doubt about what that has meant over the last four years, the other day I ran into a mate of mine who got a quote for $200,000 from a builder four years ago to renovate his house. He put the renovation off at that time. A couple of weeks ago he went back to the same builder and said he was ready to start and the builder, who is also a good mate of mine, said to him, 'We will have to refine the price.' The response was, 'Well, no, you have given me a fixed price of $200,000.' He said, 'Well, the figure now is $240,000.' This mate of mine said he would have to go somewhere else and the builder said that whoever he wanted to go to it would be the same issue.

The reality is, if you want a good career go and get a hammer and nail bag, and you will get a job anywhere. I noticed that on the weekend the Cairns council advertised in the Rockhampton *Bulletin* for a carpenter. Down at the Gold Coast they are advertising for plasterers and urging applicants to bring their families from Victoria. There is a labour shortage there. The Master Builders say there has been between a 20 per cent and 30 per cent increase in labour costs that have come into the market.

We have been very fortunate in the building next to 111 George Street and the Magistrate's Court that back when we let those contracts and the managing contract we were not caught up in that and the companies concerned have had to wear that. Obviously, any prospects in the middle of that we are going to have trouble with. Of course, our Smart State Building Fund, which we planned at the beginning of the year, has taken these factors into account. The reality is that with any projects that we announced in 2000 we are in the same position as my mate: we can make the choice to not build them. In his case he is going to go ahead with it but it is going to cost him $40,000 more because of labour costs.

I have previously mentioned in this House the increase in the cost to throw a brick. When we quoted a job at the Gold Coast it was $1.80. By the time we got to do it 18 months later it was $4.80, if you could get somebody to lay them. We were losing people off the job all the time in that regard.

Anybody who does not understand that does not understand the building industry. Anybody who does not recognise the fact that there has been a huge change in four years does not understand how the building industry works in this state.

Emergency Services

Mr McARDLE: My question is to the Minister for Emergency Services. I refer to comments made by the State Secretary of the United Firefighters Union that there has been a marked increase in the number of medical callouts attended by firefighters due to a lack of ambulances and that that problem is getting worse. I ask: why should Queenslanders continue to pay the compulsory ambulance levy when they get firefighters instead of ambulance officers for medical treatment under the minister's administration?

Mr CUMMINS: I thank the member for the question and I totally reject the United Firefighters Union's claims that there are not enough ambulances and that firefighters are being called to attend medical emergency situations due to an increase in ambulance calls.

The Queensland Fire and Rescue Service has not experienced a significant increase in call trends, especially calls related to emergency medical incidents. All full-time Queensland Fire and Rescue Service operational staff are trained to senior first aid level and they must hold advanced cardiopulmonary resuscitation or CPR qualifications.

In peak periods I am sure that our community would expect emergency services to work together, as they have always done, for the benefit of all Queenslanders. Queensland Fire and Rescue Service officers are expected to render assistance up to the limit of their training and capability to members of our community who are in need and where, due to peak demands, assistance from an ambulance may be delayed. The question we should be asking is: if an ambulance and a fire engine are called to a scene, an incident or an accident, if the fire engine gets there first do these people on the other side of the House expect the firemen to stand back and do nothing or try to render assistance? I would hope they would try to render assistance. I would hope that if they are qualified for CPR and the ambulance is on the way they would initiate that and try to assist where they can.

A government member: That's commonsense.

Mr CUMMINS: Commonsense—something that it lacks. The Queensland Fire and Rescue Service is not the first responder to emergency medical incidents and Queensland Fire and Rescue Service officers do not carry out the work of ambulance officers.

Earlier I referred to a media release by the Queensland Opposition Leader, the leader of that positive and progressive mob, on 29 April 2004, in which he said—

Opposition Leader, Lawrence Springborg, said that the careless slip was a clear indication that the Beattie government is currently considering a hike in the ambulance tax in the forthcoming budget.

Those on the other side of the House should realise that when this was debated, like most fees and charges it is linked to increases in the CPI and, yes, it will go up. We have to stop the press there. It will rise with increases in the CPI, as with most charges.

Based on the statements by the Minister in Parliament yesterday he thinks that it is a good investment for the ambulance tax to be spent on Smart State number plate surrounds for fire trucks.

Nothing could be more ludicrous; nothing could be further from the truth. The community ambulance cover goes towards the Ambulance Service.

Child Protection

Mrs SMITH: My question is to the Minister for Child Safety. Minister, providing our children with a safe and secure environment is foremost in our minds. How is the minister going to ensure that the new Department of Child Safety has staff who are dedicated and committed to children in Queensland?

Mr REYNOLDS: I thank the member for Burleigh for the question, and can I assure both the member for Burleigh and the House today that the reforms to Queensland's child protection system are under way at a very rapid pace.

Last Friday in Townsville I launched the second stage of our nationwide recruitment campaign aimed at attracting additional child safety support officers, or CSSOs—or paraprofessionals as they will be—people with local knowledge and experience working with families. This follows the launch of the child safety officer or CSO campaign the week before here at Parliament House. In total, we hope to recruit, train and place more than 318 brand new staff in the Department of Child Safety in the next financial year.

I am delighted to inform the House that we have already received more than 1,100 inquiries from our newspaper and radio advertising in the first nine days. We are driving this reform as quickly as possible, and once these new staff are on board a new era in child protection will begin. The recruitment campaign is aimed at attracting applications from dedicated individuals who also have the passion and drive required to work in the new child safety culture and who are willing to put the needs of the state's most vulnerable children first.

The Beattie government recognises that it must act swiftly to address the significant overrepresentation of indigenous children in the child protection system. Currently they make up 24 per cent of all children in protective care. Indigenous workers in the Department of Child Safety will have a critical role to play. The CSSO campaign is targeted at both indigenous and non-indigenous applicants who have good local knowledge and strong community networks, particularly in the north's remote and rural areas, such as Cape York, the gulf, the Torres Strait and indigenous communities such as Woorabinda, Yarrabah and Palm Island. Regional Queensland needs people who understand the problems and challenges that face families in their communities. We understand that every Queensland community is different and every family is different. That is why we need to recruit people from diverse walks of life, including people from culturally diverse backgrounds and also indigenous backgrounds.

Can I say that all of our child safety service delivery staff will undergo compulsory cross-cultural awareness training. That will include modules relating to case planning specific to Aboriginal and Torres Strait Islander child safety. I want to make sure that we can retain our staff in rural and remote areas. A

number of incentives will be put in place in that regard. That includes enhanced support for service delivery workers, including mentoring, stress management and emotional support, and enhanced conditions of employment, particularly in rural and remote areas. It will also include career breaks, appropriate remuneration and enhanced access to networking across agencies being implemented. We are driving these reforms as quickly as we possibly can and these staff will begin to make a major difference.

Queensland Rail, Land

Mr WELLINGTON: My question is directed to the Minister for Transport and Main Roads. Firstly, I thank the minister for the making the former Woombye stationmaster's residence available for public housing rather than for sale. Will the minister make other land currently under the control of Queensland Rail, which is surplus to current and future transport needs, available for public housing?

Mr LUCAS: I thank the honourable member for his question. It is always a pleasure to deal with him in relation to the positive suggestions that he ordinarily has. This one is no exception. Most of the land that Queensland Rail administers belongs to the Minister for Natural Resources and is on a perpetual lease to Queensland Transport and is then made available to Queensland Rail.

Most of the land that is essentially within the control of Queensland Rail is really land that does not have housing on it. In the past, stationmasters had housing supplied to them as part of their salary entitlement. A few years ago, Queensland Rail changed that as a result of industrial negotiations and there are a number of surplus houses that are able to be disposed of as part of their portfolio.

I have actually had a number of requests from a number of members of parliament that we examine the nature of the housing portfolio with Queensland Rail. Obviously, I advise the honourable member that they are usually next to a station—that is, because they are stationmaster houses—and they are often in areas that could be used for future car parking expansion. From recollection, that may be the case with Woombye.

I have said to Queensland Rail that we may not immediately need that land in question for housing but it may be something that we need in the longer term. We could potentially have a look at making it available, perhaps through the Department of Housing or other organisations, on a peppercorn rate, but subject to outgoings, maintenance and insurance being paid. I have asked Queensland Rail to have a look at its portfolio to see whether any might be available. I think that is an extremely good point when one comes to the use of public assets.

I should say that most of our housing is situated whereby it is not really feasible to have it retained for use as public housing. But where that is feasible and where we do not have an immediate use for it and where there may not be a commercial use for it, I am certainly very keen to follow that up. The member for Bulimba raised that with me as well.

I ask honourable members to speak with the Minister for Housing as well because he is the minister with the responsibility for housing in Queensland. He does an outstanding job there. Indeed, in my electorate he does an outstanding job. I look forward to Queensland Rail working closing with Housing Queensland in relation to that issue.

Party Safe Program

Mr WILSON: My question is directed to the Minister for Police and Corrective Services. Can the minister inform the House about what police are doing to tackle the problem of unruly parties?

Ms SPENCE: I thank the member for Ferny Grove for the question. I despair every weekend when I learn about the teenage parties that have gone wrong in this state. This is a phenomenon that is not peculiar to Queensland; it seems to be occurring throughout Australia. It certainly is occurring throughout Queensland.

Every weekend we hear of teenage parties that have gone dreadfully wrong because of gatecrashers. My predecessor, the former Minister for Police, the member for Mount Isa, launched in this House last October a new police program called the Party Safe Program which allows parents and party givers to register their party with the local police. I am pleased to say that that program has been very successful.

Since October last year, police report that more than 13,000 postcards, 6,000 brochures and 500 posters have been distributed through schools, shopping centres and police beats. As well, the Party Safe web site has had more than 1,500, hits including 580 requests for Party Safe registration forms.

As a parent of teenagers myself I know what a frightening thought it is when teenagers request a party at their home and parents feel the need to go along with it. I am pleased to say to parents that there is some very useful information on this Party Safe Program web site about what to do and what not to do if parents are hosting one of those parties. There is also some very good information for parents about what they could do if their teenager is attending someone else's party—simple information like dropping their teenager off at the party and picking them up.

There is also very good information about being a good host and promoting a good party that is fun without the problems that we have seen experienced with some of the parties that have gone wrong throughout the state. I commend this program to all members of parliament. I encourage members to encourage their constituents to find out about this program because we do not want to see some of the tragedies that we have seen in the past 12 months at teenage parties.

Mr Schwarten: Do they still play spin the bottle?

Ms SPENCE: To the member for Rockhampton, I say that I have not attended a teenage party myself. He will have to do a survey on spin-the-bottle playing, I think.

Public Housing; Mudge Family

Mr HOPPER: My question is directed to the Minister for Public Works, Housing and Racing. I refer the minister to previous questions and comments in relation to the difficulties experienced by the Mudge family in Maryborough caused by neighbouring public housing tenants. Previously, the minister advised the House that the rules for public housing were very clear: pay the rent, be a good tenant and be a good neighbour. As those rules are not being observed by the Mudge family's neighbours, and as this problem is a direct result of the government's failed housing policy and its failure to enforce those housing rules, I ask: what is the minister going to do to resolve this situation that the Mudge family is facing?

Mr SCHWARTEN: They spun the bottle and I got him. I have referred to this honourable member's lack of understanding of public housing on a number of occasions. The units to which the member refers are not public housing units; they are community housing units. They are leased by a community housing organisation in Maryborough. There are five of them that are leased to an organisation called the Housing Action Group in Maryborough.

As I understand it, Ms Mudge has complained on a number of occasions. People have complained about Ms Mudge and her family. That is the reality. Those complaints have been taken up at a local level. It is for that organisation to manage community housing. The member should know what community housing is because his mother is in it. That is true. I do not manage the Bell organisation, do I? Is that correct?

Mr Hopper: That is correct.

Mr SCHWARTEN: The member does understand that bit. The reality is that we do not have the day-to-day management rights of those houses. Members on this side understand the difference between community housing and public housing. This is a community rent scheme. So the organisation concerned gets money from the government and then goes out and rents. That is what they have done in this case with those five houses.

The Mudges have written to me incessantly and continue to threaten me that they are going to do this, that and the other. I have written back to them saying, 'Go and do all of that, but if you have a real complaint then the Residential Tenancy Authority's laws in this state prevail. Go to the police is the first thing you should do.' If their complaint cannot be substantiated then perhaps there is not a problem.

The member has taken wholly and solely their word for this and that they are the only angels in the street. I do not know whether that is the case or not. I do not know what the case is because I do not live there. But I do know that the community housing tenants have complained about the Mudges as well. No doubt they have complained to police. I do know that the police is the organisation that is resourced and has the lawful right to go and do something about it. If they are the tenants that the member says they are, then I am sure the community housing group concerned will have done something about it. I encourage the member to develop some policy understanding before he continues to get up in this place and make a goat of himself.

Biotechnology Industry

Mr McNAMARA: My question is directed to the Minister for State Development and Innovation. Can the minister please inform the House of any new developments in Queensland's booming biotechnology industry?

Mr McGRADY: I thank the honourable member for Hervey Bay for the question. I was recently made aware of a certain development coming from within one of Queensland's promising biotechnology companies called Xenome. Xenome is an innovative company that is working hard to develop a new drug that will bring relief to those members of our community who are in fact suffering chronic pain, such as those people suffering from cancer. This truly groundbreaking aspect of Xenome's work is that this company is using the venoms of Australia's fauna, such as cone shells, to develop its pain relieving drug.

The company has announced that it has filed an investigational new drug application with the United States Food and Drug Administration's Center for Drug Evaluation and Research. This application is big news because it will be used to support a human clinical investigation of the

company's drug. This drug has already been tested on animal models of pain and has been shown to provide superior pain relief when compared to morphine. Indeed, the benefits of such a drug are potentially huge in both human and financial terms. Should this new drug prove successful, Xenome will be launching into a market estimated to be over $US4billion. We realised this company's potential last year and, as a government, we provided it with support through a Queensland biocapital fund investment. All up, the government will invest some $6 million in Xenome. Some $4 million has already been invested and the final $2 million will be triggered by its successful investigational new drug application in the United States.

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

MATTERS OF PUBLIC INTEREST

Mr G. Jackson

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.31 a.m.): Three weeks ago exactly, on Tuesday 20 April, almost at this exact minute, I held a press conference here at Parliament House. I remember that press conference vividly, because just as I was concluding I looked over the top of the television cameras and members of the press gallery and saw a group of my staff clearly upset, clearly distraught. It was at that point I was told that we had lost a great friend, a great mate and a great work colleague. Greg Jackson had passed away suddenly early that morning. I cannot explain the emptiness I felt, the emptiness I know everyone felt.

Our thoughts of course went immediately to Annette and their three wonderful daughters, Carlie, Stacey and Sophie. Our thoughts went to Greg's parents, Roy and Mary. This has been a doubly difficult time for them, given that Greg's passing came just months after Greg's younger sister, Teresa, also passed away suddenly. Our thoughts went to Greg's eight loving sisters—Cathy, Anne, Carmel, Helen, Kristine, Paula, Carol and Jennifer—and to their families. I would like to acknowledge the many members of Greg's family who are here in the gallery today. I remember once mentioning to Greg that I was the eldest to three sisters in our household. He said, 'Eldest brother to only three sisters? Try being the eldest brother to nine sisters.' He would laugh as if he deserved some form of bravery medal.

But Greg of course was a tough character. If he could be one brother among nine sisters, then he certainly had all of the strength I needed when I headhunted him to become my senior media adviser. Well, 'senior media advisor' was his official title. He was much more than that to me and to our office. He was a friend—a very, very dear friend. He was a confidant. He was my jogging partner. And, boy, he was a mean runner. Only after he beat me to the top of Townsville's Castle Hill did he let me know that he had been in training for the Gold Coast half marathon. And he was a person whom I enjoyed a good steak with. Essentially, losing Greg was like losing a member of our family.

In the office he was the peacemaker and a hand of reason. And that was the Greg that we knew. He was a calm hand, the man of reason, a man of great intelligence. He was highly sought after, not only for his professional qualities but because of his personal qualities, too. His contribution to Queensland in so many fields was enormous. First and foremost, he was a father. We all know that quality, loving parenthood is the greatest asset any community can have. He was the proud son of two quality parents who raised Greg on their farm near Kingaroy. He was, as I have mentioned, the loving brother of his nine sisters. Greg was dedicated to his church and his local parish. He was a sports fanatic, the former sports editor of the now defunct *Daily Sun* and of course captain of the Queensland Newspapers football team. His service to the Queensland public and this parliament was enormous. As I have said before, Greg's loss will diminish the performance of this House with his professional and personal contribution being missed.

Greg knew his job backwards and his contribution to public service, both in departmental and political capacities, reflected that. Between 1992 and 1995 he was the senior information officer for Education Queensland. In 1996 he became the senior media adviser to my friend Bob Quinn when he was the Minister for Education. I know Bob and Madonna will miss Greg dearly, and so, too, will Mary Hartstein, who works in the Robina electorate office. He knew the importance of strong families, not just his own. He was also mindful of the pressures on our own spouses and children. On one occasion he and Bob were in China as part of an education delegation. At a banquet table Greg spotted the ideal gift for Bob's son James—deep-fried scorpions. Greg packed a box of these deep-fried scorpions and, when arriving back in Australia, dutifully declared them to Australian Customs. Well, you can just imagine how puzzled the Customs officers were. But Greg being Greg, he seized on their confusion and mounted an argument. Live scorpions, he could understand, could carry diseases and should be confiscated. Dead scorpions, he could also understand, could carry diseases and should also be confiscated. But dead deep-fried scorpions, Greg argued, could not possibly carry any diseases and should be given right of entry. And so it was, thanks to Greg's calm logic and reasoning, that a box of deep-fried scorpions made their way into Australia to be greeted by one very excited James Quinn and no doubt one very unimpressed Madonna Quinn.

It was during the time that Greg worked for Bob that our Premier, Rob Borbidge, was on the lookout for a director of the government's media unit. Greg's sharp mind coupled with his placid nature had caught the attention of everyone, not least the Premier. In November 1997 Greg took on the directorship and remained in that position until June 1998 when the coalition lost government. That was a challenging time for anyone who worked in politics. It was the very first time that Queensland had experienced a minority government. As a result, every government hiccup was magnified as the pundits wondered how long a minority government could last. As director of the media unit, it was Greg's job to handle the throng of press secretaries consisting of the over-cocky to the nervous Nellies.

If there was one thing Greg could not stand it was people who did not carry their weight. So in his first week as director, he called all the senior media advisers to a meeting. When they arrived, he sat them down and gave them a list of the larger newspapers in Queensland and asked each adviser to write the name of the editor beside them. This was a true test to see who knew their job and who did not. There were a few cocky looks in the room, but by and large there were more red faces than not. After all, media advisers knew that Greg meant business. He was serious about his job and he expected everyone else to be so.

Greg was exceptionally loyal to Rob Borbidge. Again, he developed a great friendship not just with Rob but also with Jennifer and the entire Borbidge family. In February of 1998 when I was set to be appointed as a minister, I arrived at the Executive Building and was shown into the Premier's office. In addition to myself, there were two other people in that room: Rob Borbidge and Greg Jackson. No setting can better portray the importance with which Greg was regarded by the Premier. It was Greg who was making sure that I understood the importance of the role before me. When we lost government, Greg stayed on with Rob working as senior media advisor to the Leader of the Opposition. It was during this time that I got to know Greg well, particularly after I became deputy leader because we shared the same offices. It was also during this time that I got to know Annette and their three daughters a little better.

All 89 members of this parliament know the extraordinary pressures on our own families by virtue of the job we do. But so often people tend to forget that the same sort of pressure is on the families of our staff. Rob Borbidge recently described Greg Jackson as being more than a friend. He said Greg was a rock to lean on when the going got tough. It is common knowledge that Rob went through a tough time in the weeks prior to the 2001 state election. It was during this time, I am sure, that Greg once again became the rock to which Rob referred. In our darkest hours, we do not need staff; we need true friends. And that was Jacko, as we all affectionately called him.

After that election, Greg went to work as media adviser to Mal Brough, the Commonwealth Minister for Employment Services. He was there for almost two years, commuting backwards and forwards between Brisbane and Canberra. In February 2003, after I became Leader of the Opposition, I had no-one else in mind to be my senior media adviser other than Greg Jackson. I confess: I went and poached him. Frankly, as much as Greg would have enjoyed the Canberra scene, I know for sure he always felt much more at home in the Queensland scene.

I remember during the recent state election campaign how he would calmly field up to 200 telephone calls a day and make another 100 telephone calls. I am sure that the Premier would appreciate this in terms of his staff. When I would awake for my early morning run, Greg was there waiting in his running shorts and joggers. He had already read the papers, listened to the radio and prepared the media's itinerary for the day. When I retired in the evenings, Greg carried on preparing for the next day.

But undoubtedly the most difficult thing for Greg during the campaign happened just days out from the election day. His youngest sister, Teresa, suddenly passed away. We insisted that Greg leave the campaign trail. But such was Greg's character, he always insisted on carrying the heaviest load. Simultaneously, he helped his family through their awful grief and helped me through those final days of campaigning. I will never forget him for that. You see, Greg never wanted to let anyone down—not a soul. Whether it was personally or professionally, Greg tried to carry the heaviest loads and he carried those loads without ever letting on just how heavy they sometimes were. Do you know, he never let anyone down. That is why he had so many friends. That is why he was so highly respected by both sides of this House and so highly respected by the gallery. Mr Speaker, can I acknowledge the respect that members are showing today, particularly the members of the government. I note the best wishes that the Premier and other members of the government have passed on to his family, and also my colleagues.

As I said, that is why Greg had so many friends. That is why Greg was so highly respected by both sides of this House and so highly respected by the gallery. That is why we will miss Greg dearly. That is why we feel so strongly for his family. That is why we will always fondly remember Gregory John Jackson—Jacko.

ME Awareness Week

Mrs MILLER (Bundamba—ALP) (11.42 a.m.): Yesterday, I had the pleasure of representing the Minister for Health, the Hon. Gordon Nuttall, at Toowoomba to officially launch ME Awareness Week, hosted by the ME/CFS/FM Toowoomba Support Association. 'ME' stands for myalgia encephalopathy, 'CFS' stands for chronic fatigue syndrome, and 'FM' stands for fibro myalgia. ME Awareness Week is a marvellous community-driven event where over 200 people in Queensland communities unite, spread the word about a group of illnesses, its combined effects, and ways in which everyday activities can be managed to make life a little easier for suffers of ME/CFS/FM.

The ME/CFS/FM association advise that it has been estimated that 85,000 Australians have chronic fatigue syndrome and one to two per cent of the population have fibro myalgia. In addition, there are obstacles to overcome, which those affected share with few other medical conditions. The sheer variety and complexity of the illnesses include symptoms that can be hard to explain. They come in a variety of sources and are difficult to convey when in stress. The symptoms are often misunderstood or confused with other illnesses. Diagnosis can often be a problem. Sometimes some people say that it is all in the mind. Treatment and care is long term and ongoing and each sufferer is affected differently. Some people say that they are not always received with as much kindness in the community as they may have expected.

In terms of the complexities of the illnesses's presentations, I note that during this international awareness week support groups have incorporated fibro myalgia along with ME and CF/MS as many people suffer both ME and fibro myalgia. All of these factors demand that the overall condition be given much greater recognition both within the medical profession and the public at large.

The ME/CFS/FM support association, Toowoomba, has organised events for the awareness week, including an information exhibition at the Toowoomba City Library from 12 May to 18 May and a shopping centre stand at Clifford Gardens. I would like to take this opportunity, along with member for Toowoomba North and the member for Toowoomba South, to congratulate Lyn Wilson, the president of the support association, Toowoomba, on her ongoing dedication through engaging in public diplomacy, spreading awareness through her talks and inviting speakers on the subject.

This support association provides education, information, training and support services to many sufferers of the illnesses, family members and the general community. Yesterday Lyn gave a very moving speech about how her illness had affected her life, her family and, indeed, her lifestyle. The Toowoomba association has supplied some 5,000 information kits over 13 years—since 1991—when the support group was formed. On top of that, their newsletter, the *ME Communicator*, circulates around Australia and also in the US, the UK, New Zealand and South Africa.

For our part as a government, we have offered full recognition of this syndrome throughout the health system and treatment is available to anyone who walks into a public hospital presenting with the symptoms. The efforts of the support association, Toowoomba, and similar groups around Australia and overseas are having an effect on the overall recognition and awareness of these illnesses. The campaign has come a long way since the blue ribbon awareness of ME was launched in Britain in 1995. Blue ribbon is now recognised in many countries around the world. I am wearing a blue ribbon today, as are the members for Toowoomba North and Toowoomba South. In our corner of the globe, the Royal Australasian College of Physicians has added a lot of value to the promotional work being done by organisations. It has also produced clinical practice guidelines. Its working group is made up of specialists in immunology, neurology, rheumatology, respiratory medicine, infectious diseases, occupational medicine, paediatrics, psychiatry and general practice.

In this awareness week, I ask that all members of this House and the public spare a moment for the thousands of sufferers of these debilitating illnesses and have understanding and compassion for the terrible symptoms suffered by those who fall victim. I fully support this Toowoomba association in its dedication to promoting this awareness week and I wear the blue ribbon with compassion and understanding.

Woodridge High School Wellbeing Centre

Mrs DESLEY SCOTT (Woodridge—ALP) (11.46 a.m.) I am proud to announce another milestone in inclusive education in the Woodridge electorate. Some two years ago the then principal of Woodridge High School, Helen Jamieson, first floated the idea of an on-site facility for young mothers where they could care for their young children and then leave them in the care of a day care mother while attending class.

I had the privilege of officially opening this wonderful centre on Friday, 30 April. However, the school has faced many challenges along the way. Initially it had an Education Department grant of $80,000 to purchase an Olympic residential demountable. By the time it was set up on site, the grant money had run out and discussions were taking place at a P&C level to search for funds to renovate the facility. As members may realise, these demountables have four bedrooms and four ensuites. So there was a considerable amount of work required.

Sometimes we have a meeting of needs that results in a great partnership and so it was in this case. I had a phone call from Mr Greg Hodgen, the State Operations Manager of the Sanitarium Health Food Company, looking for a community project. He had $6,000 and a number of tradesmen on staff. When I told him about the future wellbeing centre at Woodridge High School, he was interested. Greg and a number of his workers came to the school with me one morning. Here they met present Principal Ken Kennedy and Deputy Principal Michael Widemeyer and an inspection of the site was done. They noted that it would be a massive task, but accepted the challenge.

I visited the centre a number of times during the construction and can attest to the total dedication of this team of volunteers under the foremanship of Jeremy Irving. They have turned the building into an inviting, safe and homely place. There are three bedrooms with cots and small beds, a kitchenette, laundry, lounge area, change and bathing table, and large and small toilets. The yard is fenced with a shaded play area and a garden to add beauty to the features.

Sanitarium staff put in approximately 2,000 man and woman hours of work. I well remember two women who were working at the side of the building digging drainage trenches using crowbars. I know how much pleasure this brought to those who worked on the project. It was a real labour of love.

Other businesses and community groups offered assistance which virtually resulted in Sanitarium's $6,000 swelling to $18,000 of fittings and furnishings. Special thanks to K&B Security Doors and Screens and Carpet One, who laid new floor coverings. Civic Solutions provided the furniture through a skills training program. Logan City Council donated funds for airconditioning. St Vincent de Paul donated some furnishings and whitegoods, the Soroptimists Club of Beenleigh provided toys and the ladies from the Adventist Retirement Village at Victoria Point crocheted colourful rugs. Our day care mum, Paula Mifsud, is provided by Daisy Hill Family Day Care and will now be funded through a Commonwealth training program.

Principal Ken Kennedy, deputy Michael Widemeyer and teacher in charge Kathy Wickham are naturally ecstatic with the result. The opening was a very proud occasion for the school which gave them an opportunity to thank the many people who had assisted. A number of young student mothers were in attendance—Stacey, Mary-Kym, Jenny and Judy—and they expressed their delight in seeing their new home away from home. Former principal Helen Jamieson was delighted at the result, and CEO of the Logan-Beaudesert Regional Education Office, Kerry Holst, was pleased to see additional facilities to encourage students to remain in school. It is a great community project—one which will result in many young women being able to complete their high school education, with some going on to tertiary level. The beauty of such a centre is not only in facilitating the continuing formal education; the learning and support around parenting issues are also of vital importance.

Earlier this year Education Minister Anna Bligh visited another of my high schools, Mabel Park, to open its new centre for young mothers. It now attracts students from a wide area, as young women recognise the value of completing their education. It certainly is not an easy task returning to school—to the rigours of study—with a young baby to care for, but the stories these young women tell are testament to the huge value in assisting them. I applaud the policies of this government to champion inclusive education.

Time expired.

Bundaberg Base Hospital

Mr MESSENGER (Burnett—NPA) (11.52 a.m.): I have recently made this House aware of what I have described as a crisis in health care in the Burnett and Bundaberg electorates. I have told this House that staff, doctors, nurses and allied health workers are being bullied, intimidated and personally vilified because they dare to speak out on fundamental issues of patient care, staff safety, security, cost cutting and hygiene. I have asked the new Health Minister, the honourable member for Sandgate, to waste no time in establishing a comprehensive independent review of health care services at the Bundaberg Base Hospital.

Because I have brought these assertions before this House, I have suddenly found out what it is like to be a staff member at the Bundaberg Base Hospital. I have been unfairly criticised and personally vilified by the member for Bundaberg and the member for Sandgate. The honourable member for Bundaberg has said in this House that I am just profile building, I am making outrageous claims, I am insulting medical staff and I am creating a crisis when there is no crisis.

If the honourable member for Bundaberg and the honourable member for Sandgate cast their eyes to the public gallery, they would see that watching this parliament right now are three women who have worked at the Bundaberg Base Hospital—three mental health nurses, three grandmas—who between them have over 90 years of nursing experience. They beg to differ with the honourable member for Bundaberg and the honourable member for Sandgate. They know that there is a crisis at the Bundaberg Base Hospital. Therefore, I stand by my original claims, which are based on information I have received from these and many other dedicated and credible health care professionals.

The honourable member for Bundaberg and the honourable member for Sandgate have put their Labor Party's reputation before the health of my people. Today is the day that the honourable members' ignorance and lack of courage to speak out—their apathy—have caught up with them. These brave women—these brave nurses, these grandmas—are prepared to blow the whistle on the appalling work conditions they have had to put up with at the Bundaberg mental health service. These women have been assaulted, abused and bullied by patients. That is the easy part to take, because they know that, by the very nature of their work, they put their life on the line each time they put on a uniform and start a shift. But when the abuse, harassment and bullying comes from Queensland Health management—from their superiors—it is hard to take. Even worse, when these workers finally get the courage to speak out against a management which orders them to conform with illegal and fraudulent maladministration that specifically, substantially and adversely affects their patients, these workers are ignored. They have been ignored by their superiors, their union and their elected Labor representatives. Their concerns have fallen on deaf ears. No wonder these workers feel abandoned and cast aside.

These workers are desperate. They are so desperate to be heard and listened to. That is why they have subjected themselves to the trauma of this public scrutiny and attended today's parliament. These dedicated health professionals deserve to be listened to. They deserve to have their allegations investigated by a fully independent and comprehensive ministerial inquiry—not an evaluation, not some kind of lesser administrative process which will sweep the truth under the carpet, but a full-blown, fair dinkum ministerial inquiry.

Unfortunately, I have a feeling that the experiences these nurses are prepared to share with us will be only the tip of the health mismanagement iceberg. I urge all health care professionals who are sick and tired of being ignored to come forward and support their fellow workers by exposing the incompetence, hypocrisy and arrogance of the Labor Party led health administration.

Exporters

Mr SHINE (Toowoomba North—ALP) (11.57 a.m.): Our export industries have always been vital to the prosperity of Queensland, and they will remain so for the foreseeable future. It is a very high priority of the Queensland government that we grow our export industries and we do so by continuing to foster those activities in which we are already world leaders. Almost one year after we launched the Queensland government's manufacturing strategy, Making Queensland's Future, in June 2003, the Department of State Development and Innovation is currently working with a number of companies to secure funding under the manufacturing strategies export manager program. This program assists with the salary of an individual employed by local companies to further develop and expand export markets for the benefit of the regional economy, Queensland and ultimately Australia.

Members may have heard the Premier say this before, but it is a point worth emphasising: our dependence on international trade for jobs, wealth creation and investment is great indeed. One in five jobs in this state is export related. That is a figure that rises to one job in four in regional Queensland. Since the commencement of the Queensland government's trade strategy, Export Solutions 2001-03, 243 new exporters have been assisted into the international marketplace for the first time through programs jointly conducted by the Trade and International Operations Division, the State Development and Innovation Centre network and its allies. These new exporters have helped diversify Queensland's export base, and their first overseas contracts have added approximately $19 million to the Queensland economy. Our original target as at the end of last month was to increase new exporter numbers to 210. However, we have exceeded this by 15 per cent.

Locally, the Toowoomba State Development and Innovation Centre is working with over 20 regional businesses in its endeavour to enter international markets for the first time. These companies operate across a diverse range of industries, with products that include agricultural machinery, software, training, food and wine to name a few. In the 2002-03 financial year Queensland's exports of goods and services generated revenue in excess of $27 billion. This is tremendous news for Queenslanders, particularly in regional areas.

An example of a local company which is embarking upon exports with the assistance of the Toowoomba State Development and Innovation Centre is Oracle Aeronautics. Oracle provides crew resource management training packages and seminars for helicopter crews and has recently been successful in gaining export contracts in South-East Asia. The manager of Oracle sees the development of sustainable export markets as a key factor in the company's continued growth.

In the last 12 months the Toowoomba State Development and Innovation Centre hosted a number of inbound trade missions from countries such as Korea, Japan and India with the purpose of highlighting various local industry sectors. Several companies from this region have also participated in outbound trade missions in destinations such as Taiwan showcasing local food, Singapore showcasing meat and wine, and the USA showcasing agricultural machinery. The Toowoomba centre through its TradeStart service is currently working one on one with 22 businesses to assist them to commence exporting for the first time. This number will increase to a minimum of 37 by June next year.

In addition, the centre has hosted workshops and seminars on a range of export related issues. These educational forums cover topics such as market research, export planning and logistics as well as providing market specific intelligence and trade opportunities. The Toowoomba region export awards play a key role in the Queensland government strategy to encourage exporters and showcase our globally competitive industries. Some examples of success in the past have been Pacific Seeds Pty Ltd in Toowoomba which has been involved in exports since the early eighties. It is the esteemed winner of the agribusiness category in the 2003 Southern Queensland Exporting to the World Awards and the overall Queensland Regional Exporter of the Year award last year. Pacific Seeds has established outlets in Thailand, India and South Africa, Sudan and New Zealand. It works hard to be at the forefront of adopting new technologies in many facets of its business.

Another example is Toowoomba Metal Technologies, formerly Toowoomba Foundry. It was a winner again last year at the larger advanced manufacturer category. It has been in operation in Toowoomba for over 130 years exporting to other states of Australia, New Zealand and North America, particularly Canada. The University of Southern Queensland was a winner in 2003 in the services and education category. It is a well-known university for its distance education as well as on-campus international student numbers.

I would also like to acknowledge and thank Pacific Seeds, which hosted the event last week, and to recognise Chris Bazley and his team as export champions. I applaud these exporters for showing other regional businesses what they can achieve. The 2004 awards will similarly recognise and reward our top regional exporters and encourage others to follow in their footsteps, as have the last three highly successful export award programs. The categories this year are agribusiness, services and education, small to medium manufacturer, larger advanced manufacturer and emerging exporter.

Time expired.

Apprentices and Trainees

Ms LEE LONG (Tablelands—ONP) (12.02 p.m.): We frequently hear about how we need highly educated, multilingual, culturally sensitive, techno-savvy, university-trained whiz-kids if we are to make our way into the brave new world of the 21st century. But even if we do we will still need our plumbers and carpenters, cabinetmakers and mechanics, appliance repairers, electricians, computer technicians, boilermakers and so on. We will still need our trades men and women and not only because of the growing demands for their services made by our increasing population.

I am sure we are all familiar with the urban legend of suburbs full of doctors, lawyers, accountants, business executives and so on complaining about how hard it is to get a plumber when they need one. I am not a city person and I do not know if that is the case, but it is certainly a well-established belief, and I suspect there is more than a little truth to it. Whatever the case really is, it will soon be getting much worse as there are predictions that in the next five to seven years, give or take by 2010, some 200,000 skilled tradesmen are expected to retire from the building and manufacturing industries. In anyone's terms, that is a massive exodus. However, the impact of those retirements will be even more marked because of the lack of steady flow-on of new tradesmen graduating from apprenticeships.

There are, I believe, a number of reasons for this. One is the impression created amongst our youth that the only real future they have is if they take what might be called the high road and become one of those kinds of university trained superwhizzes I mentioned earlier. In the face of that, in the face of continuous Smart State biotech computers and IT hype we surround our children with, it is no surprise that the good, honest trades do not seem to have the same appeal.

Another reason is the difficulty faced by employers in taking on and managing apprentices. I want to tell the House about the experience of one tradesman on the tablelands. This man runs his own small business. He is highly skilled and well regarded, and recently made a decision to take on a school based apprentice. The young fellow he has taken on works one day a week, with the rest of his time spent at school. I want to make it clear that the apprentice is not causing any concern to his employer. However, what has alarmed him is that he has been presented with a WorkCover bill for $130 for the five months to June this year. He believes, and I agree with him, that the apprenticeship as a school based activity should be covered by the Education Department.

I have my own experience in the building industry, and it is no reflection on the young fellow here or any first-year apprentice to say they are actually at that stage of little real value and can actually be a cost burden. In a small business such as this, the added cost of WorkCover premiums make it even more expensive and is a disincentive to take on an apprentice or a school based trainee. Of course, there is the added disincentive of unfair dismissal laws. The simple fact is that from time to time an apprentice will just not work out. It might be attitude or it might be aptitude, or it might be that they are simply not suited to a particular trade.

It is something employers are constantly aware of and if that does happen—if an apprentice does not work out—it can be very difficult and expensive to resolve the issue. The truth is that, if we want our

young Queenslanders to have access to apprenticeships, if we want to have a good number of builders, carpenters, plumbers and electricians, we need to make it easy and as simple as possible for employers to take them on. There is a huge amount of paperwork employers are now required to process when they take on an apprentice. There are costs, obligations and requirements that can prove very daunting. Yet there are still employers out there who want to give our young people a chance.

I believe we need to ensure that those interested in providing apprenticeships are able to do so easily and with effective support from the state government. While we have young Queenslanders unable to find jobs, we should be doing everything we can to make sure they do. There is no excuse for boosting skilled immigrant numbers when we have our own youth desperately seeking work. I believe school based apprenticeships are a worthwhile initiative, but they need to be operated in a way that does not add to the costs of the tradesmen and women involved.

Mr SPEAKER: Order! Before calling the honourable member for Algester, I welcome to the gallery students and teachers of St Mary's College in the electorate of Toowoomba South over the road from Toowoomba North.

Detention Centres, Release of Children

Ms STRUTHERS (Algester—ALP) (12.07 p.m.): I make a further plea today for the Howard government to release all children from immigration detention in Australia immediately. I ask members of this House and members of the federal parliament to spare a thought for the mothers of children held in detention on Mother's Day last Sunday. While we were enjoying time with our families, many of these mothers were being very disturbed by the lack of certainty and the fear they still live with every day of their lives. The mothers in detention with their children share the same concerns for their children as any mother does. They want the best in education and health care. They want the best possible start to life for their children.

In the *Courier-Mail* on Saturday I was greeted with the smiling faces of Farzaneh Etemadi from Afghanistan and her four children. At the invitation of the Buddies refugee support group on the Sunshine Coast, I had a barbecue lunch with this family last year. I was both disturbed and very heartened by their courageous story. Farzaneh, with her husband and children, fled Afghanistan in 2000, taking the very dangerous route through Asia on to Indonesia and on to Christmas Island, where they sought asylum. Had they stayed, they believe they would have been killed by the Taliban. They now live in Brisbane, where the children have settled well into school. These children need security and certainty in their lives, not living daily with the fear that they could be uprooted from their schools and home and sent back to the conflict in the Middle East.

The Etemadi family is not frightening. The Etemadi family does not pose a threat to any of us. The Etemadi family should not have been locked up for endless months behind razor wire. In fact, they said this was the worst experience. They travelled on rickety old boats like many other people have; they lived in squalor in making the trip. But it was the detention in Australia that was the worst experience for them and their children. Having passed all relevant security and health checks, the Etemadi family should now be welcomed into our country as permanent citizens.

The families featured in the *Courier-Mail* on Saturday are normal, regular people. They are ordinary mothers, fathers and children. They are loving parents; they are just like you and me. They should not be locked up like criminals. These families from Sudan, Bosnia, Eritrea and Afghanistan are all contributing to the cultural richness of our great state.

The Howard government is not acting in the best interests of the refugee children and their families. Many families who arrive in Australia seeking asylum have already come from harsh and difficult conditions, often leaving loved ones behind them and bringing anxiety and stress with them. They have often travelled in cramped, unsafe conditions and lived for periods of time in countries without access to decent food or shelter, without access to education, health services and other supports.

These people, including the children, have endured extreme loss, horror and fear. Children like the Etemadi children have already suffered enough. The United Nations High Commissioner for Refugees estimates that there are currently around 25 million refugee children who have been uprooted from their homes world wide. Only a very small proportion of these children and their families seek a new home and security in our country. Yet Australia is still the only country where detention is mandatory for adults and children seeking asylum for the duration of their processing by the Department of Immigration and Multicultural and Indigenous Affairs. Surely we can treat these children with decency and humanity. Surely we can share with them the great benefits of our country that our children enjoy.

I commend organisations like Buddies, the churches, the refugee support groups, Labor for Refugees and many other activists who have worked tirelessly to do the right thing by refugee families and their children. This afternoon I am meeting with a group of these people in parliament to hear more about some of the activities they are planning. They are doing a lot of work on the smell of an oily rag—supporting families with volunteer gifts of food and housing and other important needs.

A Latham led federal Labor government has an absolute commitment to releasing refugee children from detention immediately upon attaining government. Hopefully that will be in the next few months. The federal Labor opposition when in government will act immediately to stop this archaic and inhumane practice.

Thinking, feeling Queenslanders have a definite choice at the next federal election: give the mean-spirited Howard government an ill-deserved fourth term or support Mark Latham in his efforts to do the fair and decent thing by all children in this great country of ours.

Mr G. Jackson

Mr QUINN (Robina—Lib) (12.12 p.m.): I wish to say a few words about Greg Jackson. I first met Greg, as Lawrence Springborg said, when I became Minister for Education in 1996 and was looking for a senior media adviser. Greg was one person whose name was forwarded to me by an associate who worked with Joan Sheldon. I rang Greg, who at that time was working at Queensland Health on the north side of Brisbane, and invited him into Parliament House to meet with me and discuss what might be a job for him. He was more than eager to come in. I can remember sitting in my office on the 9th floor with Greg on the other side of my desk. We both looked at each other, we did not know each other from a bar of soap, and after about five minutes of conversation, where I had asked my three or four very short questions which he answered in even shorter terms, we both sat there and looked at each other and I said, 'When can you start?' He said, 'Give me a month.'

From that point onwards Greg worked in a political environment. To say that he took to it like a fish to water would be an understatement. He was a natural. He was one of those fellows who could speak to anyone, anywhere, at any time, establish a personal relationship of trust and then build on that relationship for the benefit of everyone.

I can well remember that within the first couple of months we were embroiled in the cleaners' dispute—and I can see the member for Gaven sitting there smiling—with the Leader of the Opposition and the missos. Greg and I had the responsibility of implementing the government's agenda of trying to privatise the school cleaners. Not once during that debate, which was rough for both of us with me being a novice minister and with Greg being a novice senior media adviser, did he flinch under the awful weight of the criticism we were getting in the public arena by the missos and the cleaners. We took it in the good spirit that it was intended and Greg and I got our way through it at the end of the day.

Many words have been spoken about Greg both at his services and here today by the Leader of the Opposition and I do not wish to go back over those except to say that Greg was extremely family proud. Whenever we were talking about families he would mention his with a great deal of pride in their achievements.

He certainly was a calming influence when discussions got hot. He was always fair, he was always compassionate and he always loved his sport and that, of course, was a reflection of the balanced approach that he took to life.

Lawrence Springborg made mention of the scorpions brought back from China, and also Greg's love of a good steak dinner. One little story I can tell is about being in China where we had been going to a number of functions representing the Queensland government. At every one of these functions, both at lunch and dinnertime, the Chinese would put on the traditional Chinese banquet which went for about three hours with copious drinks being served. At the end of the fourth day my wife and Greg had had enough of the Chinese meals which, because we were special guests, included specialities such as compressed pigs ears, sea cucumber, deep fried scorpions, and other delicacies. We were tasting these foods on behalf of the Queensland public and making very solid relationships. Greg and Madonna took themselves downtown to a Chinese supermarket looking for real food. They came back with a bunch of groceries and I can remember they said, 'Whatever we bought was not made in China.' They had bananas from South America and food from other parts of the world. Greg did like his food, particularly his steak, as was mentioned.

One of the great things about Greg was that he was able to bring people together and form them into a team. I can well remember the time as minister when I was invited to take part in a cricket match—the media versus the pollies. We were going over to the Gabba to play beside the turf. I had mentioned to Greg that it had been about 20 years since I played cricket and he was determined that I was not going to embarrass myself in the centre of the Gabba in front of hopefully many thousands of people.

One day I arrived in the ministerial office and Greg had arranged for the staff to play cricket in the ministerial office. We were up on the 20th floor of Education House and our side of the top floor was absolute pandemonium. We had staff bowling balls to me in the middle of the ministerial office and I was whacking them around the place. The tennis ball was ricocheting off the desks and the windows and who should walk in but a couple of other senior departmental people. Our side was absolute pandemonium. But that is the sort of thing Greg did. Where there was an opportunity to weld people together, to make them understand, to come and be part of a team, that was Greg's forte. He brought them together and really helped people to understand where they were.

One other good thing about Greg was that irrespective of the fact that he worked for a minister, a government or a Leader of the Opposition, he understood the boundaries. He never tried to push a point of view that was beyond reality. If you were in trouble he understood that, but he would give a sane estimation of what the reality was and he would tell you to go forward and make the best you could out of it. I think that engendered huge respect from the media towards Greg because he did not try to push the spin too far.

I finish by saying that Greg was a great friend. He came into this environment and he did an outstanding job. To Roy, to Mary, to Annette and his daughters and extended families, I certainly express my sympathies.

Mr M. Brough MP

Ms MALE (Glass House—ALP) (12.18 p.m.): I rise today on matter of public importance to clarify a few matters in relation to the conduct of the federal Liberal member for Longman, Mal Brough.

Firstly I would like to tell the House that Mal Brough has suddenly discovered state issues that are of concern to him. Now, call me cynical, but I think I can feel a federal election coming on. Several months ago he decided that he was concerned about the Caboolture Police Station. Now he is talking of his concerns about police numbers and how the Caboolture community should not feel safe because it is a crisis. What rot!

In a front page article report during the state election campaign Mr Brough admitted that his interest was purely a political stunt. Unfortunately, it was more than just a stunt; it was a disgraceful scare campaign designed to frighten residents and destroy the fabric of our community. The facts of the matter are that the Beattie Labor government has provided an increase of 300 police officers every year across Queensland. Caboolture has been receiving increases in line with this.

In July 1998, Caboolture Police Station had an approved strength of 35 officers. It now has 57 officers on staff, which is an increase of 22 officers. Combined with this, the Tullawong police beat, Morayfield shopfront and Beachmere police beat have all been opened. These are an additional police presence on top of the officers rostered at Caboolture station. Our officers also support the many Neighbourhood Watch units across the Caboolture area to ensure that residents are protecting their property adequately and keeping an eye on the neighbourhood—working cooperatively to curb crime and increase prosecutions. The many volunteers do a wonderful job in this regard.

What I find curious about Mal Brough's sudden concern about police numbers is that he has at no stage raised his concerns with me. I know that sometimes it is a bit hard to find Mal Brough—as per usual he has been a phantom for the past two and a half years. The mobile offices we saw him run prior to the last federal election disappeared even before the last vote was counted. But now that we are just months away from a federal election, all that will change and we will see him and his caravan again.

While I did see Mal recently, he did not raise the issue with me. But he did manage to get his picture in the paper at the stall he set up at the Caboolture shopping centre, which is a mere 50 metres from my office. He managed to get to the shopping centre, but he did not manage to walk across the road to raise his concerns with me. Instead of asking, "Why did the chicken cross the road?' we should ask, 'Why did the chicken not cross the road?' The answer is simple: he does not really care about policing in the Caboolture area; he just wants to do media stunts.

I have spoken at length to the Police Minister and the Police Commissioner about the needs of the Caboolture area in relation to staffing, accommodation and equipment. I invited the Police Minister to tour the station shortly after she took over the Police portfolio so policing issues at Caboolture could be at the forefront of her mind. I would like to see more staff at Caboolture. I have made that clear. The officers do have a heavy workload, but they do not shirk any of it and they do an excellent job of keeping our community safe, preventing crime and catching the perpetrators of crime.

The way to achieve results in our area, Mr Brough, is by hard work by local members and good communication, not cheap political stunts. Now he has taken to attacking me over the Caboolture northern bypass. As I related to my constituents during the election campaign, the Caboolture northern bypass stage 1 is open due to the Beattie Labor government's commitment to providing infrastructure where it is needed. Mr Brough seems to have forgotten that it was his colleagues in the Borbidge-Sheldon National-Liberal coalition in 1996 that pulled funding out of this project to fund the road to Borbidge's house.

Stage 2 is currently being designed with the next stage being the building of the two bridges over Lagoon Creek and then we will look at the road connections to the highway. The federal government has agreed to triple-lane the Bruce Highway from Brisbane to Caboolture River, which is great, but there is no agreement to widen the road further and join the northern bypass to the highway just north of the Caboolture overpass. This is Mr Brough's responsibility. If he did not spend so much time on political stunts and beat-ups of state government issues in the lead-up to the federal election, he might have time to do his job properly.

Come on Mal, come clean. He should tell the electors of Longman that he voted for the full sale of Telstra, but he has not done the necessary work to ensure good telecommunications throughout regional and rural Queensland. Why does Conondale still have lousy Internet connection speeds and an inability to use the mobile phone network? It is only one and half hours from Brisbane. How about Medicare? If the federal member for Longman was doing his job properly, we would have a fully workable Medicare system. Instead we see plummeting rates of bulk-billing and a subsequent increase in pressure on our public hospital system.

In his spare time, after he has fixed those problems, maybe he could do something about the federal rent assistance scheme which is failing to meet demand and keep pace with rent rises in Queensland. Maybe he could insist his federal government properly fund the health, housing and disability services instead of the slash-and-burn agreements we have seen them force on the Queensland government over the past term. Then maybe he could convince federal Health Minister Abbott to refund the public dental scheme. How about gaining some extra funding for public schools and universities.

There is enough work in these few federal issues I have just mentioned to keep Mr Brough occupied until the next federal election and beyond. If he expended the same amount of energy on these issues as he has used to pursue his political grandstanding on state government issues, he might actually improve the lives of local residents.

Stock Inspection Services

Mr JOHNSON (Gregory—NPA) (12.23 p.m.): I wish to bring to the attention of the House today a very serious issue that this government is treating with contempt in central-western Queensland—all parts of Queensland—at this point of time. I refer to the depleted stock inspection services throughout rural and regional Queensland. One of the areas I want to refer to today is Alpha in the electorate of Charters Towers, which is represented by my colleague Shane Knuth. Mr Knuth, in his maiden speech in the House a couple weeks ago, drew the attention of members to this depleted service in Alpha. As Mr Knuth said in his speech, some 30,000 head of cattle a year go through the clearing dip at Alpha. It is a very integral part of the cattle industry in central-western Queensland.

The issue I want to bring to the attention of the House today is that the Department of Primary Industries, under the guidance of this government, wants to put a third-party tick inspection service in place at Alpha. They have no power whatsoever in apprehending or determining if stock can or cannot go on. The real issue is whether these people have the proper knowledge of how to scratch cattle. Do they know what they are looking for in the detection of ticks? Do these personnel know exactly what they will be looking for? This independent situation is totally unwarranted and will not work. All it will do is play into the hands of people who want to break the law by moving cattle through that area without the proper surveillance needed.

The *Longreach Leader* of Friday, 24 March 2000 reported the case of a person moving cattle through that centre without the proper permit and proper inspection. That article stated—

Section 13(2) of the Stock Act of 1915 states that cattle cannot be moved from a tick-infested area to a tick-free area without a clean inspection and supervised treatment for cattle tick while under Section 21 of this Act, cattle from a tick infested area cannot be moved into a tick-free area without a travel permit.

It goes on to state—

The cattle tick-free area extends from Alpha to south of the railway line in Hughenden, to Cloncurry and west to the Northern Territory border and follows the Great Dividing Range from Alpha to Toowoomba and the New South Wales border.

It goes on to state further—

"The object of the Cattle Tick Notice is to prevent the spread of cattle tick.

A large part of southern, western and south-western Queensland is free of ticks.

Industry and Government have invested millions of dollar in eradication campaigns enabling huge areas of productive grazing land to be declared free or protected from cattle tick.

In cattle tick infected areas, individual graziers may spend thousands of dollars each year repeatedly mustering stock or chemically treating against cattle tick.

Kevin Dunn from the Department of Primary Industries has told the Jericho Shire Council that they really cannot justify having a full-time stock inspector in Alpha and that the main issue of concern to the Department of Primary Industries is biosecurity and that tick inspection is an industry problem. I have to say to the Department of Primary Industries that it is not an industry problem. I believe it is a problem for all Queenslanders. If we get a wet season in that country again we will see that line move. We will get cowboy producers who will violate the agreement and not uphold the law and will push cattle through that point without proper dipping, without the proper scratching technique. We will see that line move again.

Some stock owners now pay to have their stock inspected. The member for Darling Downs said to me today that if people have to pay, a lot of people will dodge it and not have the cattle checked properly by competent inspectors. I call on the Minister for Primary Industries to put back in place a full-

time stock inspector in Alpha and the other centres around Queensland where we have a void with stock inspectors. These people play an integral and responsible role in those communities. They have played it since day one. They are an integral part of communities around Queensland where stock movements take place.

Innovation and Technology Week; Leukaemia Foundation

Ms NELSON-CARR (Mundingburra—ALP) (12.29 p.m.): It is my pleasure to inform the House today about the success of Innovation and Technology Week held in Townsville recently and run by the Department of State Development and Townsville Enterprise Ltd. As the Premier's representative in the north, this is an event which is close to both my heart and home. As the Premier pointed out in his recent ministerial statement, Innovation and Technology Week has shown why Townsville is probably the most progressive regional city in the state. The week is all about showcasing high-technology that is unique to north Queensland. The scientific and research community had the chance to highlight their work and businesspeople were able to boost their skills at seminars and practical workshops.

Public events were also held all week, which truly offered something for everyone. Technology affects all of us in our daily lives, and this week was an ideal opportunity to catch a glimpse of what technology means for us as individuals. I was particularly interested to hear about the research being done by Global Cardiac Solutions led by Professor Geoff Dobson from James Cook University. They are working on a heart arrest solution that enables hearts to be stopped for up to six hours during surgery and the safe transport of organs for up to 15 hours. I am told that Professor Dobson's invention offers rapid and complete arrest, more protection during surgery and superior functional recovery, among other benefits.

According to James Cook University, there are over 1.7 million open heart surgical procedures performed each year and the global market size for heart arrest solutions is around $400 million to $700 million per annum. Put this information next to Global Cardiac Solutions's research and it is easy to see the huge potential their invention has. I am just delighted to hear that research such as this is being carried out in north Queensland and that the Queensland government is playing its part. The Beattie government gave Global Cardiac Solutions $75,000 under the Innovation Start-Up Scheme, and I certainly believe that this money is well spent.

Another great initiative under way in the north that was highlighted during Innovation Week was Corradini Engineering's two-in-one harvester attachment. This harvester attachment aims to double the efficiency of the average harvester by enabling two rows of cane to be harvested at the one time. The Beattie government gave Corradini Engineering, which is based in Ingham, a $52,500 industry development grant to help get the two-in-one harvester off the ground. I am sure it will be a welcome development for the cane industry. These are just two of the exciting innovations currently being developed in north Queensland that were showcased during Townsville's Innovation and Technology Week. It is clear to see that north Queensland is a world leader in both research and innovation.

In fact, I am told that Townsville has attracted the world's highest concentration of tropical marine scientists. Scientists in north Queensland are also pioneering in the fields of tropical biotechnology, agriculture, aquaculture, health, environmental technologies and base metals processing. The Beattie government is playing a large part in north Queensland's drive for innovation and technological excellence. I for one certainly look forward to hearing about more north Queensland success stories at next year's Innovation and Technology Week in Townsville.

Finally, on another note, I want to thank the Premier for taking part in a little fundraising effort we had on the Speaker's Green this morning. It is an initiative that will hopefully expand the resources of the Leukaemia Foundation Research Unit. It began with radio personality 4TO FM Mr Steve Price—or Pricey—who was able to get this off and running. We wore some troppodanas, which are being sold for $10 each. So I thank the Premier.

Mr DEPUTY SPEAKER (Mr Fraser): Order! The time for matters of public interest has expired.

MINISTERIAL STATEMENT

Ministerial Motor Vehicles

Hon. P.D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (12.32 p.m.): My government is the most open and accountable Queensland has ever had, and I want to re-emphasise what I said earlier in question time and in ministerial statements in relation to providing information to this House. The opposition filed an application under the FOI process for documents relating to accidents and repairs to motor vehicles between 10 November and 24 December 2003. Nine documents, including 32 folios, were located by the Department of the Premier and Cabinet official responsible for FOI in the resulting research. We do not interfere with what FOI officers do. She ruled that they could not be released because they were cabinet documents, which is appropriate. The

department does not have the mandate to release these documents. I have the power to overrule the department, and I have done so.

My department handed me the documents referred to in the FOI decision and I tabled 28 pages of the 32 referred to in the FOI decision. I do not want to be misunderstood on this. The other four pages are simply the cabinet submission itself and the cabinet decision, which cannot be photocopied. They are rules and protocols of cabinet accepted by all sides of politics. I believe that most people would agree, having seen the list, that the information in the documents is hardly going to turn the world upside down. In other words, it should be plain now that these documents were not being hidden by the government because it feared the release of the information they contained. Quite on the contrary; the same is true of the documents considered by cabinet that have not been released.

Today I have given parliament information on damage to ministerial, electorate and staff cars. In an answer to a question asked on 18 March, I outlined all of the accidents at that time to ministerial vehicles for ministers and party leaders from 2001 to date. I table that again for the House. Ian Streete, the Acting Director of Ministerial Services, wrote to me on 20 April stating—

I certify that, in my opinion, details provided in the amended response to question on notice No. 44—

which is what I have tabled—

in relation to accidents to ministerial vehicles and party leaders' vehicles is a true and accurate reflection of records held by Ministerial Services.

So we have put it all out there. In the chart that I have tabled, members can see that there are three categories. If members look at 'Documents received after 10 November 2003 but repair done prior to 10 November 2003', my vehicle fits into that category—that is, $185.08 that resulted from attending and supporting Queenslanders during a fire. As members can see, 4 November was the notification date, but it fits into that category. So that there was no doubt about this issue, I made sure my vehicle was included.

In relation to documents received after the date range but repairs incurred during the date range, they have been included and accident details contained in FOI documents were released as part of the answer to question on notice No. 44. We cannot be more accountable than that, and I would ask for the Leader of the Opposition to follow our lead. There have been a couple of accidents involving the Leader of the Opposition which he has not tabled in this House, and I urge him to do so. One accident involved one of Mr Springborg's staff members. I urge him to follow the lead set by the government and to simply look at what we have done and do the same thing.

I should say that I know that this is an interesting stunt being pursued by the Leader of the Opposition, and he had these so-called 603 documents today. I have to say that on a very quick and initial count there seems to be only 518 pages, not 603. But I do not want to be unkind because it was a quick count and we could well have made a mistake. I have to say that I liked some of the material he tabled. It was really a stunt. It included media monitoring material of newspaper clips. There were old news releases. One of the beauties in here—I have to say it was fantastic—is an old news release from Bob Quinn which says—

The State Liberal Leader today announced that the state coalition is fully committed to upgrading the existing Ipswich Motorway to at least six lanes.

The only problem is that there is no money in the federal budget for it—

Mr Seeney: That is what recycling is about.

Mr BEATTIE: Yes, recycling; that is right. I agree with the Deputy Leader of the Opposition. That is what recycling is all about. I have to say—

Mr Seeney: It's old rubbish.

Mr BEATTIE: It is old rubbish, and I agree with the Deputy Leader of the Opposition. I would never have said that about the Liberal Party, but I take the interjection by the Deputy Leader of the Opposition. I make this point: I thank the Leader of the Opposition for including some of this nonsense because it will be of invaluable assistance to us. I thank him for his help.

AURUKUN ASSOCIATES AGREEMENT REPEAL BILL

Second Reading

Resumed from 20 April (see p. 172).

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (12.37 p.m.): I rise to lead the opposition's contribution to the debate on the Aurukun Associates Agreement Repeal Bill 2004. This bill has been introduced to cancel a bauxite mining lease held by an international mining company, Alcan, over 500 million tonnes of bauxite in the Aurukun area on the western side of Cape York. The bill itself repeals the Aurukun Associates Agreement Act 1975 and provides that the agreement scheduled to that

act has no force or effect. The bill further establishes retrospectively in law that that agreement has indeed had no force or effect since 31 December 1988.

This bill is an extraordinary piece of legislation. It is extraordinary not just because of its retrospective nature, which alone should be cause for grave concern to every member of this House. Quite apart from that retrospectivity and quite apart from any issues surrounding the actual mining lease, this legislation raises some very fundamental questions for every member of this parliament to consider. The action proposed in this bill raises some questions that challenge the very basis of public administration and challenge the practice of the justice system in Queensland as we know it.

The government first moved to effect the surrender of the lease on 22 October 2003 when the then Minister for Natural Resources and the then Minister for State Department, Tom Barton, demanded its surrender from Pechiney, the company that has held the lease since 1975. At the same time as it demanded the surrender of the lease, it announced that it would be calling internationally for expressions of interest for the development of the bauxite resources, estimated at some 500 million tonnes.

This legislation has understandably drawn a reaction from a wide range of organisations and commentators. That reaction has bordered on outrage from the Australian mining industry, which has responded in the manner of using quotes such as the Beattie government was 'pre-empting the judicial process,' 'sending the wrong signal to the mining industry' and 'undermining the concept of the sovereign risk in Queensland'. The move by the state government to introduce this legislation has made news around the world as its implications became clear to every mining company that would potentially invest in Australia. The federal government has also expressed its indignation with this legislation, with Resources Minister, Ian Macfarlane, stating in a letter to the government—

I believe your actions will send a very strong signal about the sovereign risk attached to investing in resource development at a time when we are in competition with a number of other resource-rich countries to attract unprecedented demand for mineral resources.

Yet any reading of the minister's speech, when he introduced this bill to the parliament, would indicate that he, and presumably the government, is oblivious to the implications of this bill and uncaring of the consequences raised by everyone else who is involved in the resources industry in Queensland.

If this issue was as simple and as straightforward as the minister would have this parliament believe when he introduced this legislation, then there would be no need for the legislation at all. If it were that simple, the matter would have been very quickly determined by the court. But, of course, it is not that simple and, of course, what the minister told the House in his second reading speech is not the whole story. If it were, there would be no need for any of us to be here at the moment.

Once again, the Labor government is treating this parliament with contempt by introducing this sort of contentious, far-reaching legislation with no real attempt to explain the legislation to the people of Queensland or to justify its passage through this House to the members who make up this parliament. Instead, it relies on its majority in the House to unthinkingly pass into law whatever legislation a particular minister introduces.

The conclusion cannot be avoided. If the litigation instigated by the state government was as clear cut as the minister would have us believe, then the government would not need to resort to a legislative solution. Instead, the government knows that its case is arguable and it is not prepared to accept the decision of the Supreme Court. In fact, by dint of this legislation, the government will not even let the Supreme Court make a decision. Honourable members, we have to conclude that, in reality, the government's confidence in its own case is so low that it is not prepared to have the court decide the case on its merits.

The company's defence and counterclaim, lodged with the Supreme Court in response to the litigation instigated by the state government, sets out a long record of negotiation over the continuation of the lease as a valid instrument. I seek leave to table in the parliament a copy of that defence and counterclaim lodged by Aluminium Pechiney Holdings Pty Ltd. It is a public document, because it has been lodged with the Supreme Court. I table it in the parliament to make it more readily available to every member of this parliament so that they can read the extent to which the government's position has been challenged. In particular, this defence document outlines considerable discussion between the company and the state government regarding the implications of the provisions of clause 14 of part 3 of the lease agreement, which relate to the establishment of a refinery by the company and the various extensions to the time limit stipulated in this clause for that refinery's establishment. The important point here is that there is a valid defence to the litigation instigated by the state government. The company has prepared that defence and lodged it with the Supreme Court at considerable expense and effort.

I make no judgment about whether or not that defence will succeed. That is a judgment that should rightly be made by the Supreme Court. But it is a judgment that will never be made if this parliament passes this misguided legislation today. The minister said in his second reading speech that the state would, on the passage of this legislation, refund Aluminium Pechiney Holdings Pty Ltd $518,160 in mining lease rentals paid for the calendar years 1989 to 2003, plus $54,000 in interest for the period. That in itself is an admission that the state government charged and received mining lease

rental payments for the lease that it now claims was invalid and that this bill retrospectively declares has had no force or effect since 31 December 1988.

However, the state government has indisputably charged and received rent payment for the period that it now seeks to retrospectively declare the lease invalid. Clause 11 of part 3 of the agreement conferred upon the state the right to require the lessees to pay rent for the land held under the lease. The state was not entitled to exercise this right or charge rent if the agreement had ceased to be of legal force and effect. It follows naturally to me that there is a valid argument that, as the state government has continued to demand and receive rental payments for the lease up until 2003, it has accepted the validity of the lease to that date.

By the passage of this legislation, the government now seeks to retrospectively declare the lease invalid for the same period during which it accepted the lease as being valid. The offer now to refund that money, as the government retrospectively declares the lease invalid, does little or nothing to change the fact that the government, by acceptance of the payments, has accepted the validity of the lease to date.

There are a number of other indications that the government has accepted the lease as valid. On 13 July 1994, the state government wrote to the company, referring to the lease as one 'granted for a term to expire on 31 December 2017.' In that communication on 13 July 1994, the government recognised the lease as one granted for a term to expire on 31 December 2017 and sought a plan of operations that complied with an acceptable environmental overview strategy. In 1999, 2000, 2001 and 2002, the state government granted water licences for the leased areas under the Water Resources Act 1989. In 2000, the state government required the company to carry out maintenance on bores associated with the lease on the basis that the company was the valid lessee. So there is a body of evidence that the state government, over a period, accepted the lease as valid and treated the lessee as the valid holder of the lease. Whether that body of evidence is enough for the company to be successful in rejecting the government's litigation that it instituted in the Supreme Court is for the court to decide. But there is a question there to be decided. It is a question that should be decided by the Supreme Court rather than be decided by members of this parliament.

There can be no doubt that there is an arguable case. In contrast to what the minister told this parliament when he introduced this bill, this is not a simple, straightforward case and it is not one that any of us should try to decide in this context today. Anyone who doubts that there is a case to be argued, a case to be decided, should read the defence and counterclaim lodged by the company in response to the state government's litigation—the document that I tabled in the parliament earlier in my speech. The right and proper course is to let the Supreme Court decide on the validity of the arguments already put to it by the state government on the one side, who importantly instigated the litigation, and the company on the other, who, as is its right, has prepared a defence. That is why we have a legal system and a Supreme Court.

It is the court's role to decide the validity of these arguments and it is the court's role to decide the rights and the wrongs of the claims and the counterclaims made by each party to this dispute. It is not this parliament's role to intervene in that legal process to protect the minister, or to protect the government, or to produce a result that may or may not be in line with what the Supreme Court would eventually decide. To do so, as this legislation would have us do, is to strike at the foundation of the independent legal system that is a key foundation stone of our democracy.

It is important to note that the state government instigated this litigation. The company has prepared its defence and the Supreme Court should now be allowed to decide the case on its merits, based on the facts presented. The government has decided, after the company has prepared its defence, not to allow the Supreme Court to decide the case based on its merits. The government is not prepared to allow that to happen. Instead, today it comes to this parliament and proposes that we pass this bill to achieve with legislation what it set out to achieve with litigation, even though its attempts at litigation have not had a chance to be tested by the legal system. That alone should make this bill unacceptable to every member of this parliament. It should make this bill unacceptable to every Queenslander who understands and values the important and distinct roles of the courts and the parliament in the democracy in which we live.

The minister's claim that the agreement has no force or effect because a refinery was not built by 1988—that is a claim he made in the second reading speech when he introduced this bill to the parliament—is a claim that should be tested properly in the court if it is to have any validity. It should not be given the dubious validity that comes with the misuse of the large majority that the government enjoys in this parliament. With this bill the government is thumbing its nose at the separation of powers doctrine. The Beattie government is essentially afraid that it will not like the court's response to the litigation it initiated, so it is legislating to ensure it gets the answer it wants.

There is an important distinction to be made here between the situation encapsulated in this bill and other bills this parliament has considered to correct legal loopholes or confirm the intent of legislation that has not withstood challenge on particular points. There have been a number of pieces of such legislation relating to the mining portfolio. I have been prepared to lend the opposition's support to

the minister and the government to do just that—to correct legal loopholes or to confirm the intent of the legislation that has not been able to withstand particular challenges. The important distinction here is that the state government instigated litigation and, faced with difficulties in succeeding with that litigation, now seeks not to correct a loophole in the law, not to confirm the intent of the original legislation, but to simply declare its position as law. That is a gross misuse of this parliament. It is a gross misuse of the parliamentary process, and it should never have been contemplated or supported by any member of this House.

It is essential for the minister to explain the government's motivation for such extraordinary and precipitous action. His speech to this House when introducing the bill was very short and notably lacking in any explanation of substance. The closest I can find in *Hansard* to any explanation comes towards the end of a ministerial statement the minister made when he said—

> We are taking this action so the state, on behalf of Queensland taxpayers, can optimise the utilisation of the Aurukun resources and pursue the associated multibillion dollar investment opportunities.

We need to look at the history of this issue in a more complete way than the minister was prepared to do when he introduced this bill to the House and to test the proposition that this bill needs to pass for the benefit of Queensland taxpayers.

The Australian aluminium industry is a very important one for the whole of Australia. The aluminium industry is particularly important for Queensland. The industry began in Tasmania in 1955. It was initially dependent on imported supplies of bauxite as known local bauxite deposits had not been developed and some had not yet been discovered. The development of bauxite on Cape York, in particular the Weipa mine, marked the beginning of the Queensland bauxite industry and an important industry for Australia. The Weipa mine currently has the capacity to mine and ship around 11 million tonnes of bauxite a year, making it one of the world's largest bauxite mines. The lease that is the subject of this legislation has estimated reserves of 500 million tonnes. The Weipa mine is owned and operated by Comalco Ltd, a wholly owned subsidiary of Rio Tinto. Most of the bauxite currently mined on the cape is shipped to the world's largest alumina refinery at Gladstone. The production of alumina consumes over 90 per cent of the world's production of bauxite.

In conjunction with the development of the domestic bauxite mining industry, Australia has developed the world's leading alumina refining industry. The alumina refinery at Gladstone, run by Queensland Alumina Ltd, is the world's largest. The refinery produces more than three million tonnes of alumina per year, contributing over $300 million annually to Australian export earnings. It employs around 1,000 people. Part of the output is processed into aluminium at the Boyne Smelters Ltd south of Gladstone. Some 1,200 people work at the smelter. Around 70 per cent of that aluminium output is exported. Combined, alumina and aluminium are now Australia's second largest commodity export after coal. China is one particular country where there are promising commodity trade opportunities for Queensland in aluminium.

The statistics of the aluminium industry are very impressive. Those statistics illustrate the potential for further development if the leases that are the subject of this bill can be properly developed. The contribution of the non-ferrous smelting and refining sector, which includes aluminium activities, to Queensland's regional economies is very significant. There is $4,675 million in output and turnover generated by the industry in Queensland, there is $1,170 million in income to workers and shareholders in Queensland, there is $1,870 million in net additions to gross state product and there are 15,200 jobs in Queensland, including direct and indirect jobs. It is an incredibly important industry, especially to the area of central Queensland that I represent, which takes in a large area of the hinterland of Gladstone. The aluminium industry in Gladstone is a particularly important industry to that developing industry centre.

The bauxite mining lease at Aurukun, the subject of this bill, was first granted by the Bjelke-Petersen government in 1975 to a consortium known as the Aurukun Associates, which at the time included Tipperary Corporation, Billiton Aluminium Australia and Aluminium Pechiney Holdings. The lease was granted for a term of 42 years, but it included a special requirement that construction of an alumina refinery to refine the bauxite to alumina commence by 1983 either on Cape York or somewhere else in Queensland. In 1983 the deadline for a refinery start date was extended to 31 December 1988. During this period Pechiney, which is now owned by Alcan, acquired all the rights to the lease from its fellow associates and became the sole leaseholder.

Pechiney has claimed that it received an assurance from successive state governments that it would not be required to construct an alumina refinery 'so long as to do so was not economically viable'. The document I tabled in the parliament earlier, that sets out the defence, would seem to provide a deal of evidence to support that claim. In that defence document, lodged in the Supreme Court, Pechiney noted that in the 1980s there was a global oversupply of alumina, which meant that the price was below the cost of production. Pechiney also noted in that defence document that in 1990 the then Premier, Wayne Goss, told company representatives that the government would not 'pull the rug out from under your feet'.

The point about the global oversupply of alumina is very relevant to this debate because it illustrates just how misleading the minister was in his comments in his second reading speech that 'the people of Queensland have already forgone nearly three decades' worth of economic and financial benefits'. This is rubbish—shallow, emotive rubbish that has no basis in fact and should have no part in the consideration of an issue as important as this. It is the sort of shallow, emotive rubbish that would very quickly be dispensed with if the Supreme Court were allowed to continue with its consideration of this issue. There is no doubt that the demand for aluminium today is growing and will continue to grow. There is no doubt that the market situation is very different now than it was over the last three decades.

Sitting suspended from 12.59 p.m. to 2.00 p.m.

Mr SEENEY: As I was saying before the luncheon adjournment, the price of aluminium in the world market is now greatly improved—very much different from what it has been in the last couple of decades. It is now much more economically viable to develop a bauxite lease or a bauxite mine anywhere, and so it is with the Aurukun lease that is the subject of this bill. It is much more economical now to develop that bauxite deposit and any associated refinery project than it has been for the last couple of decades. The minister's claim in introducing this legislation that some other company other than Pechiney would have developed this lease and developed a refinery in the 1980s or the 1990s at a time of global oversupply lacks any supporting evidence and has no credibility at all in the industry or to anyone who has a basic understanding of the aluminium industry or indeed the resources market world wide.

There have been other factors which have combined with the market situation to ensure that the development of this lease in that intervening time period would have been impossible. Since 1989 the issue of native title has been a consideration for all mining developments, not just in Queensland but right across Australia. With native title has come a range of issues that were never even imagined when the original agreement was entered into in 1975. There have been long periods when even access to the lease has been denied to the leaseholder. There have been even longer periods when the rights associated with access have been in doubt and that has made any real work on the lease impossible. There have been long periods over those two decades when legislation at both the state and federal level was struggling to deal with all of the issues surrounding native title, and the development of such leases and refinery would have been impossible, even given that every other factor had been settled and the world market could produce an economic return.

Members of this House will no doubt remember well the struggle that the Beattie government had here in Queensland with the whole issue of native title and the absolute mess that it made of its state government legislation.

Ms Nelson-Carr interjected.

Mr SEENEY: It was. It was an absolute mess and, after a long period of time, we ended up back under the Commonwealth legislation despite all the assurances that were given. All of those things are relevant to the consideration of this legislation and to the consideration of some of the very scant explanation that the minister has given about why this legislation is necessary.

It really is quite dishonest for the Beattie government to suggest that this lease could have been developed any time in the last 28 years and, because it has not been developed in the last 28 years, it should now be the subject of this legislation that we have before the House today. That is clearly not the case. Even a scant examination of the issue over a period of time sets out very clearly that that is not the case. However, on 22 October last year the Beattie government gave Pechiney 48 hours to surrender its mining lease. When Pechiney did not surrender the lease, the government itself instigated legal proceedings in the Supreme Court to enforce the surrender of the lease.

The government claimed that the 1975 agreement under which the mining lease was granted was no longer of any force or effect and the lease existed only for the purposes of surrender. At the time the government said it would also call for expressions of interest internationally. The government initially seemed prepared to take the matter to the court and have it resolved, and there was not much objection from anyone—except Pechiney, of course—to that move by the government. I think there was widespread confidence in the justice system that the Supreme Court action would determine to what extent the company retained a legal right to the lease and the issue would be sorted out the way that we believe it should be sorted out.

The government thought it would all be over quickly, but that has not happened, and now there are some real concerns about the government winning its case and forcing the surrender of the lease. So, rather than take Pechiney on in the courts, rather than proceed with that court case, we are here today in the parliament considering a piece of legislation which will make the government's position law, irrespective of the rights and the wrongs of the case and any evidence that can be presented by the company in question.

It is worth taking a few minutes to look at the company which the government is taking this action against. I pointed out before that the company that owns the lease now is Alcan, which took over all of the assets of Pechiney late last year. It is valuable to look at the company and its role in the Queensland

aluminium industry. If any honourable members wanted to go to the Alcan web site, they would see a wealth of information that would indicate that this is a very large and successful company. Alcan's investment in the Australian aluminium industry is significant and it is listed on the web site in great detail—both its involvement in the Australian aluminium industry and its involvement in the worldwide aluminium industry.

Alcan has been in Queensland since 1965. It was a founding construction partner in Queensland Alumina Ltd—the QAL plant in Gladstone—the world's largest alumina refinery. It now holds a 41.4 per cent share in that refinery, which provides important export dollars to Queensland and, more importantly to me as a member representing a big area of central Queensland, is a huge part of the economic base of the city of Gladstone and the wider area of central Queensland.

Alcan's solid foundation in Australia also includes its 100 per cent ownership of the Gove bauxite mine and the alumina refinery in the Northern Territory, a 51 per cent stake in the New South Wales Tomago aluminium smelter, which is one of the largest in Australia, and two bauxite deposits in Queensland—Ely/Ducie-Wenlock and of course the Aurukun lease that is the subject of this legislation. It also has research and development and engineering quarters in Queensland here in Brisbane aimed at maximising the value of Alcan's bauxite reserves and alumina refinery activities.

Alcan is a multinational market-driven company. It claims to be a global leader in aluminium and packaging as well as aluminium recycling, and it claims to have world-class operations in primary aluminium, fabricated aluminium as well as flexible and speciality packaging, aerospace applications, bauxite mining and alumina processing. Those claims of being a market leader I believe could hardly be disputed. Alcan gives its employment figure world wide as 88,000 people across 63 different countries. So we are talking about a very major company with a very major stake in the aluminium industry not just here in Queensland but in the aluminium industry world wide.

On that Alcan web site there is a statement that the company has put out in response to the Queensland government's introduction of this legislation into the parliament, and I think it behoves every member of this House to read that statement of response because, unlike the earlier document which I tabled, which is a response to the Supreme Court and therefore written in very legalistic terms, this is a response which is much shorter and much more readable. I will table the document for the benefit of the members of the House.

I think it behoves every member of this House to read that response, which was issued by the company from its head office in Montreal, Canada. I want to quote a number of sections from that document. In its response, Alcan claims—

'Alcan holds good legal title to the Aurukun lease and we believe in our right to retain it. The Aurukun lease is an important strategic asset for Alcan,' said Mr Micael Hanley, President of Alcan's Bauxite and Alumina group.

He went on to say—

'The Queensland Government's announced intent is to bypass legal proceedings that are well underway. Alcan was fully prepared to file a defence'—

which it since has done—

'based upon a strong legal position. We object to their move to circumvent our right to defend our interests in a court of law.'

That certainly should be an issue which should exercise the minds of every member of this parliament before they vote on this legislation. They should ask themselves why we in this parliament are circumventing a company's right to defend their interests in a court of law. Why would this parliament seek to do that, to circumvent that right, be it of an individual or any company operating in Queensland, let alone one with the track record and the contribution to make that this company has?

Also in that response statement Alcan points out that since December 2003 they have pursued in good faith written and face-to-face initiatives with the Queensland government with a view to finding a path forward that would benefit all stakeholders. They claim that at no time has the government raised with them the prospect of terminating the lease through legislation. They also point out that this decision in their opinion has far-reaching policy implications and could have serious ramifications for the mining industry in Australia. That is certainly a view that has been reinforced by a number of other players in the mining industry and mining industry representatives. The statement goes on—

The government seems focused on developing the Aurukun reserves and the construction of a new alumina refinery. This focus is consistent with Alcan's own agenda which makes the government's legislative intent all the more curious.

It is not difficult to understand that given that the government's stated intent is in line with the company's stated intent that the legislation before the House today must seem very curious indeed to the mining industry at large. The statement goes on—

'Earlier this month, Alcan presented a very strong proposal to Queensland's Premier Beattie, offering an immediate commitment of AUD 15 million to complete a feasibility study on a fast-track basis to determine the economic viability of a bauxite mine and alumina refinery on the Aurukun land,' said Richard Yank, President, Bauxite and Alumina Pacific Operations said. 'We have received no response from the Government to our offer and are very surprised given its attractiveness for Queensland. However, we strongly urge the Government to consider it fully and would welcome the opportunity to discuss the reserve's potential development.'

The company's publicly stated position on their web site, which I have seen reinforced by a number of similar statements made by company representatives in the media in recent days, certainly raises a range of questions for members of this parliament about why it would be necessary to consider the type of legislation that we see before the House today. Quite apart from all of the concerns about what the legislation does and the precedents that it sets and the attacks that it makes on the fundamental administrative foundations of our democracy and the role of this parliament in its relation to the role of courts, quite apart from all of those points already raised previously in consideration of the legislation, that reinforced position of the company, which would seem to be in line with what the government wants, certainly should raise great concern to every member of the parliament about why this legislation is necessary.

If the government is serious about its stated position, why is it not working with this company to achieve what would seem to be a common goal rather than initially instigating legal action and then overriding that legal action with the bill that is before the House today? It certainly does not make sense. It certainly is not explained in the minister's second reading speech. In that second reading speech the minister said—

Section 3 of the original act gives the agreement the force of law, which essentially means the framers intended the agreement to be considered a statute rather than a contract. Therefore, no contractual rights are affected by this legislation.

Alcan disputes this and believes that the agreement remains a contract and that this legislation destroys their contractual rights and takes away their property, which is their lease. As I have said a number of times through this consideration, it should be the courts that decide about the validity of those two positions. It should be the court that decides that rather than this parliament. If time was the important issue, as has been suggested, then it is certainly arguable that the quickest way to achieve the development is for the government to negotiate with the company and to try to achieve what appears to be at least a mutually stated objective.

The Queensland Resources Council, the mining industry's representative organisation and policy-making body, expressed its strong disapproval of the state government's decision. In a media release the QRC's chief executive Susan Johnston said it was—

disturbing that the Government has chosen to pre-empt (the courts) process by means of special legislation.

Ms Johnston went on to say—

Use by the government of its legislative power to override due process introduces a level of political risk to mining investment not usually associated with Queensland or Australia.

Her comments were backed up by the Minerals Council of Australia, which claimed—

The decision sent the wrong signal to the mining industry and was undermining the concept of sovereign risk in Queensland.

Those opinions expressed by the Queensland Resources Council and the Minerals Council of Australia should indicate very clearly to every member of this House the wider ramifications in the consideration of this legislation. It is interesting to note that Alcan is not a member of the Minerals Council of Australia, but the fact that the Minerals Council felt the need to express its concern illustrates to me and should indicate to every member just how worried the resources sector is with what the Beattie government is doing.

As the Resources Minister, Ian MacFarlane, said later in the letter I quoted from before to the Premier on 1 May, a legally determined decision on the issue—

... will reinforce Australia's attractiveness as a secure location for multi-million dollar investments in resource developments.

To move away from that legally determined decision on the issue will undermine Australia's attractiveness as a resource location for those multimillion-dollar investments in those resource developments that we all want to see.

Let me put on record—let me make it very clear—that the opposition supports steps to develop the resources industries in Queensland. We have often spoken in this House of the valuable role that the resource industries play in the Queensland economy and the extent to which they are undervalued by members of this government, and to a very great extent the general community of Queensland who do not know and understand the great contribution that the mining industry and the resource sector makes to this state's economy.

We in the opposition certainly support the type of development that the aluminium industry has been able to achieve in those years since the mid to late 1960s and we would be only too pleased to support the continuation of that sort of development. We are only too pleased to support the development of further refineries and smelters, the likes of which we see at QAL in Gladstone and at Boyne Island because they provide invaluable jobs for Queenslanders and an invaluable contribution to the state's economy. However, we cannot support the misuse of this parliament in the way that it is being proposed this afternoon. We cannot support the move by the government to override the rightful role of the Supreme Court to decide the rights and the wrongs of this particular case. We cannot support the moves by this minister to withdraw from the litigation that he himself instigated in favour of a legislative response or a legislative solution that may or may not produce the same result as the litigation which he instigated.

This proposal that is encapsulated in this bill raises some very serious questions and sets some very serious precedents which I believe should be unacceptable to the majority of members of this House and certainly to the majority of Queenslanders if they were able to come to understand the complexities of the issue. It is certainly unacceptable to us in the opposition and we will be opposing this legislation.

Mr HORAN (Toowoomba South—NPA) (2.19 p.m.): I want to speak only briefly in this debate on the Aurukun Associates Agreement Repeal Bill as the shadow minister has gone through the legislation in great detail. The issue that he concentrated on and that greatly concerns those of us on this side of the House is the almost obscene haste and rush of the government to put this legislation into parliament. This sets a dangerous precedent for the second time now—that is, that the government has a matter before the court and then comes into the parliament and legislates to overturn whatever may happen in the courts.

While it looked last year to be a simple, straightforward matter, it has blossomed or developed into something of great concern to many people in the mining industry domestically as well as internationally. In October last year the minister came into this House and made a statement about the 42-year lease that Pechiney held and what had not happened with that lease. It appeared to be quite straightforward. We now find out that the minister made that statement to the parliament in the midst of a takeover of Pechiney by Alcan that had been taking place for three or four months. It would have been obvious to the minister that a major company was negotiating this takeover and that there was potential for the problems that he had cited—that is, the amount of time that the lease had been in place and no development had taken place—to be overcome. Alcan has publicly stated that it has indicated to the minister on a number of occasions its desire to commence with a $15 million feasibility study to get things under way.

Pechiney held the lease over an area where there is an estimated 500 million tonnes of bauxite. It is in the Aurukun area on the western side of Cape York. It held the 42-year lease for 28 years. It did not use the resources because it was not economically viable in the 1980s when aluminium prices were low. It had native title issues in the early 1990s, which made it difficult to develop at that point in time.

The lease that was granted under the Aurukun Associates Agreement Act 1975 was conditional on Pechiney starting construction of an alumina refinery in Queensland to process the bauxite by 31 December 1983. That was later extended to 1988, but Pechiney had not acted. It claimed that in 1983 the government gave an undertaking that the alumina refinery would not have to be built if it was not economically viable. It had not been previously. In 1999, it again claimed that it began discussing with the government the viability of tapping into the resources. The government gave it a list of seven possible refinery sites. The government then broke off contact.

Pechiney says that it presented a proposal to the government in November 2002 to study the feasibility of developing an alumina refinery and was prepared to make a decision within four years if it was found feasible. If it was found to be not feasible it would happily release the rights to other developers. However, the government was not happy with Pechiney's lack of firm commitment. Last year it initiated court action to force Pechiney to surrender the lease.

Pechiney has now been taken over by Alcan. It took the government on in court after the government initiated proceedings. Because the government obviously has some concerns about the weakness of its case, it has legislated over the top of the courts to ensure that it gets the answer that it wants. That sends out a bad signal to the mining community—in many cases the international mining community investing world wide on different continents—that in Queensland, where it has always been considered a very safe and sure place in which to invest because of our democracy and the certainty of our processes and our court systems and systems of appeal, our certainty could be replaced by a government which has a massive majority. It is prepared to abort a court case which it has instigated and go into the parliament and crash over the top of proper judicial process.

The government wants to call for international expressions of interest in the 500 million tonnes of bauxite. Bids are expected to come from a number of companies. It has been reported in the media that there is significant interest from Chinese companies. We have to wonder what this whole process is about. Doubt has come into the financial and mining communities about what this government is seeking to do. It is now becoming part of the modus operandi of this government that if it has a problem in court it comes into parliament and legislates over the top. We saw this with the recent local government issue. The LGA took the Queensland government to court and then the government came in here and legislated over the top of any court proceedings. We are seeing again today in this parliament another dangerous precedent being set.

If we look at the issue when the minister last year made a statement, it appeared, on its face, that there was a lease and that there had been no further development of a refinery. He was saying that it had had long enough to do what it was supposed to do. In the interests of Queensland it was time to move on and see this site developed and see some further development of a refinery in Queensland—preferably in the Gladstone area where we have large refining or smelting capacity already or other potential sites in that area.

That was how it appeared on the face of it. But we found out that the takeover process was in place and an outcome was likely. The outcome occurred not long after that. The company that has taken over Pechiney has since endeavoured to meet with the minister. I understand it has met with the minister. It has put forward a proposal to undertake a $15 million feasibility study. That is a serious proposal. It is backing it up with a large amount of money. It is a company that has a long, steady and reliable track record in Queensland. It is a company that has been in this state since 1965 and has an over 40 per cent interest in QAL in Gladstone and employs 1,500 people—1,300 at Gladstone and 200 at its headquarters in Brisbane. Whilst it has been able to develop the resources of this state, it has paid back its fair share in terms of development that it has undertaken and in jobs and economic development that it has provided in our state. It was not as though the government was dealing with a company that did not have a track record. It could show the government a very genuine, sincere and traditional-backed proposal.

I think what everybody in this House needs to start to think about is what is going on here. What is the reason for the haste? Why did the government actually instigate proceedings midway through the takeover by Alcan of Pechiney? Does it have some other motive? Does it have someone up its sleeve that it wants to provide a rails run into some particular development in the state? In the event that this bill goes through—because the government has the massive numbers and can almost do what it likes in this parliament—will Alcan still get an absolutely fair crack of the whip when it comes to the new tendering process for this particular lease?

There was an article in the *Australian* on 27 April headed 'State of concern in bauxite lease cuts' written by an Andrew Fraser. It says that Queensland is sending the wrong signal over Aurukun. That is what is happening. That is the signal that is going out. There is concern by the federal government about the way this whole process is being handled. There is concern by the Queensland Resources Council, the Australian Aluminium Council and the Minerals Council of Australia. There have been articles in overseas press about Queensland and the Queensland government and the way it is going through this process and overriding a court decision.

It is almost the sort of thing that one would expect in a Third World country where there is political interference and instability which makes some of those places less attractive to mining companies. Here in Queensland, as I said before, it has been our democracy, our due process and proper application of the law, the court system and appeals process and so forth which has made international mining companies confident and prepared to make massive investments in the extraction, processing and development of leases and mineral resources in this state. As our shadow minister has gone through all of the various detail of Alcan and what it has done in an endeavour to negotiate with the minister, I will not repeat that other than to say that I want to also voice my concern that in Queensland we are seeing the massive majority of the Beattie government being used for a second time to crash over the top of court processes and to legislate in this parliament.

There is one other issue that comes up in the *Alert Digest* that I want to raise. It is very interesting that clause 6 of this bill states that the government will pay Pechiney an amount of $572,160 within 20 days after the repeal of the act. It looks as if the government wants to pay its way out of this process—that is, legislate over the top and then pay out this company with taxpayers' money when the company has already said that it is prepared to do a feasibility study.

Mr Robertson interjected.

Mr HORAN: That is what the government wants to do, Minister: virtually buy its way out of it. It seems to me to be a very strange process. The government does not want to face its day in court. It does not want to go through the normal, straightforward due process. It wants to come in here, slam legislation over the top and then fork out over half a million dollars to pay out the company when it could have sat down with this company. This company believes that it has the rightful continuing ownership of the lease and wants its day in court. It could have sorted the matter out. The company already employs 1,500 people in Queensland and has a strong and successful track record in this state. There is obviously some other agenda of the Beattie government. That is why everybody in the mining community and the financial community is very suspicious of what the government is doing.

Even the Scrutiny of Legislation Committee in the *Alert Digest* has indicated that it does not feel too happy with this whole process. In clause 14, it states—

Given the complex circumstances and history of this matter, the Committee does not feel in a position to reach any firm view as to the extent of Pechiney's current legal rights.

In other words, it is not quite game to come out and say that it disagrees with the minister. It certainly does not agree with what the minister and government have done. This legislation sets a dangerous precedent. The government obviously has something up its sleeve and it is going to take this very unusual and dangerous move in order to achieve whatever plans it has up its sleeve and crash over the top of our normal, good, straightforward justice system.

Mr MULHERIN (Mackay—ALP) (2.33 p.m.): I want to address several aspects of the Aurukun Associates Agreement Repeal Bill, but most particularly I want to speak about the sound basis and rationale of the government's action over the Pechiney lease. The original legislation provided that a

mining lease was to be granted to the three Aurukun associates at the time—the Tipperary Corporation, Billiton Aluminium Australia BV and Aluminium Pechiney Holdings. That lease was granted for a term of 42 years and the associates were required to start building an aluminium refinery by the end of 1983. By 1985 Pechiney had become the sole lessee and had been granted an extension to build the refinery until the end of 1988. A further one-year extension was granted and, although it was later found to be legally invalid, it does not detract from the fact that Pechiney did not comply with the terms of its agreement with the government and start building the refinery within the agreed time frame.

Pechiney's failure to start construction by 31 December 1988 had several consequences. Firstly, the agreement was of no force and effect as of 1 January 1989. Secondly, Pechiney's inaction gave rise to a statutory obligation to it to surrender the mining lease. Simply put, Pechiney, through its own inaction, ended the agreement. Even though the agreement came to an end almost 15 years ago, this government has given Pechiney more than a fair go. It has been provided with ample opportunity to demonstrate its commitment to the Aurukun resource. It has failed to do so.

Pechiney made several submissions to the government in 2002 and 2003 indicating that the company would not be in a position to make a firm commitment to the construction of an alumina refinery until 2005 at the earliest. At the same time as Pechiney was making those submissions, the Canadian company Alcan had announced its hostile takeover bid, reducing the credibility of Pechiney's representation to the government even further. As we all know, the result was that the government called on Pechiney to surrender the lease.

Despite its statutory obligations to give up the lease, Pechiney refused. The state then took the step of enforcing its statutory right by starting legal proceedings in the Supreme Court. We could continue this litigation until the issue finally comes to an end, but this government cannot justify the expense to the taxpayer, the time it would take during a crucial period in the aluminium industry and the potential losses of opportunities that would be caused by seeing this litigation through, perhaps all the way to the High Court. There is no lack of confidence in the state's position in this matter, but we must act in the best interests of all Queenslanders. In the circumstances, long, drawn-out, expensive litigation is not serving those interests. A world-class resource is waiting to be developed, and it is incumbent on the government to promote activity and development of that resource.

Pechiney's inactivity has already cost Queensland 29 years worth of economic benefits from this resource, and Queenslanders should not have to pay the price for sacrificing anymore time due to the prolonged legal proceedings. This step has not been taken lightly. The bill is before the House because Pechiney has fundamentally breached its agreement with the state, failed to surrender the lease and treated the state with contempt. The bill will cancel that mining lease which, for the time that Pechiney had stood in breach of the act since 1 January 1989, has existed only for the purpose of surrender. Since that date, Pechiney has not had any rights of entitlements under the mining lease. One of the practical effects of that will be to render the Supreme Court litigation futile, and the government recognises that Pechiney has incurred costs in that litigation already. The bill makes provision for compensation to be paid for those costs and for Pechiney to be reimbursed for the mining lease rental plus interest it paid between 1989 and 2003.

I want to make it very clear to the House that the mining lease is not a tenure under which Pechiney could legally mine. The government is not unilaterally terminating a contract. Pechiney ended that agreement through its inaction. The government is not affecting an ongoing agreement. That agreement is of no force and effect and the lease is a mere husk. Pechiney's non-compliance with legislation passed by the state of Queensland is not an issue that should be glossed over or treated as a mere technicality. This government makes no apologies for taking action against companies that have failed to comply with agreed terms and conditions. It would be a negligent, irresponsible government that did anything else. There is a clear message to the industry here—that the petroleum and mineral resources of Queensland belong to the people of Queensland and are to be used to benefit Queenslanders.

This action is in no way indicative of sovereign or political risk, and it does not set a precedent. The industry can continue to have confidence in investing in our resource sector, but the actions of the company that breach their agreements with this government in such a cavalier fashion will not be tolerated. I commend the bill to the House.

Dr FLEGG (Moggill—Lib) (2.39 p.m.): The minister has introduced this bill by saying that its purpose is to expedite the exploitation of the Aurukun bauxite deposit and to avoid further costly and protracted legal disputation with Alcan, the holder of the mineral lease. Those are the two reasons that the government has given us for this bill. The minister paints a picture of a company that reneged on a deal to build a refinery by 1989 and a government that has patiently sat by waiting for some action at Aurukun. In fact, the Queensland government granted a 42-year mineral lease due to expire in 2017.

The delay in building the refinery and mine reflects not a leaseholder who has acted in bad faith but a situation where it has been virtually impossible for Pechiney to do anything on this site. Activity was frozen due to the Wik native title action and world alumina prices have been at depressed levels for many years—at such a depressed level that there have been only two new alumina refineries built in the

Western World in the past 20 years: Gladstone and Brazil. Furthermore, rather than having reneged on the agreement, the leaseholder, Pechiney, started prefeasibility in 2000 and they could get no response to a request to commence feasibility in 2002.

Given the interruption through Wik and the prolonged recession in the alumina market, this is all that could reasonably have been expected of Pechiney. No other leaseholder could have delivered anymore on this site. The prefeasibility was, in fact, interrupted because this government refused to allow exploration at the site. In fact, almost no access or on-site work has been possible during the period that this government accuses the leaseholder of failing to develop the reserve. Let me repeat that: first, Wik, then orders by this government have in large part been to blame for the failure of this project to progress.

In common with other Queenslanders and Australians in general, I believe in a fair go. I believe investors, even if they are foreign investors, who commit billions of dollars into Queensland and employ thousands of Australians, should be able to expect a fair go. Expecting a company to complete a project that was not possible, that not one company could have delivered, and with the Queensland government as one of the major obstacles, is not a fair go. Even the Scrutiny of Legislation Committee says that they cannot be sure from the information that the government has given that the legal rights of this leaseholder have been respected. What a way to do business in Queensland!

On 27 October 2003, the Beattie government commenced a Supreme Court action to have that court determine the status of the mining leases. On 23 December 2003, they agreed in a consent order that they would have the matter determined by the Queensland Supreme Court. In December 2003, a dramatic change occurred that should have removed the need for the Queensland government to pursue expensive, complicated and lengthy legal proceedings and which could have accelerated the development of this site to the benefit of all Queenslanders.

On the surface, it was a stroke of luck for the Queensland government as it would achieve both the stated objectives of the minister in introducing this bill. Of course, this stroke of luck was the hostile takeover of Pechiney by global aluminium company and major investor in Queensland, Alcan. Alcan immediately went into negotiations with the Queensland government, offering to commence the process of establishing the mine and refinery and committing funds to the feasibility study.

Alcan is a major investor in Queensland, having a significant interest in the world's largest aluminium smelter in Gladstone. Alcan has operated in Queensland since 1965 and has supported Queensland, which is the current hub of the company's bauxite and alumina operations. Its Asia-Pacific alumina and bauxite operations are headquartered in Brisbane and Brisbane is the site of one of Alcan Bauxite and Alumina's only two engineering bases in world. Queensland is also the site of the management team for Alcan's $1.5 billion expansion in Gove. Alcan also invests in an R&D facility in partnership with the CSIRO. The company has operated in Australia for many years and has long experience with indigenous groups and knowledge of Australia's strict environmental requirements. Why would the Queensland government want to block a company with this level of commitment to Queensland?

In return for blocking this global company, which has invested and backed Queensland, Queensland receives absolutely nothing. It enters an uncertain tender process in a market with a small number of global aluminium companies with the expertise and capital for a project of this size. Furthermore, Queensland will pay a very high price for this illogical decision, because it undermines the confidence of the global mineral industry in investment in Queensland. It introduces concern about sovereign risk for those companies willing to invest in our state.

I refer to an article appearing in the Vancouver *Sun* on Friday, 23 April this year. I will quote from the document and I seek leave to table it.

Leave granted.

Dr FLEGG: The article states—

On Tuesday the government of Queensland Australia announced it would introduce legislation to strip Alcan's rights to the large Aurukun bauxite reserve claiming the company had not respected a timetable to begin exploiting the minerals. Although the legislation would circumvent the courts—

and the article goes on. It is this sort of publicity that Queensland could do without. Companies that invest in Queensland must now not only deal with the issues of native title and strict environmental controls but also must consider the sovereign risk in a state where the government does not allow due legal process but overrides its own courts by legislation.

This is a commercial dispute with a government that granted a 42-year lease and now wants to renege—a government that, having asked the Queensland Supreme Court to decide, now overrides that court. This is an act that is almost without precedent.

I seek leave to table a press release from the Queensland Resources Council.

Leave granted.

Dr FLEGG: That press release states—

Use by the government of its legislative power to override due process introduces a level of political risk to mining investment not usually associated with Queensland or Australia.

The Queensland government's actions appear even more bizarre, given not only its refusal of Alcan's offer to fast-track the development but also the government's failure at any stage to raise with Alcan the prospect of terminating the lease through legislation.

It is only since the recent recovery of the alumina market, with spot prices rising over 200 per cent, that there have been murmurings of interest here. I refer to what might be behind this sudden interest. On 29 April, the Minister for State Development and Innovation told this place of his discussions about the Aurukun leases with Chinese interests—leases that at that time were before the Supreme Court. The minister told this place how he took businessmen he euphemistically referred to as the 'Gladstone alliance' to China. We had to read the *Courier-Mail* to find out that this Gladstone alliance was really executives of Aldoga—a private company that has failed to gain financial backing to build an aluminium smelter in Gladstone, a company that lacks the capital to build either its promised smelter or a new mine and refinery, a company that, it seems, is casting around looking for capital in China.

Mr ROBERTSON: I rise to a point of order. I do not mean to show disrespect to the honourable member, but he is misleading the House. The Minister for State Development did not take representatives of that company to China. I ask the member to withdraw.

Madam DEPUTY SPEAKER (Mrs Croft): Order! There is no point of order.

Dr FLEGG: There is no point of order. I was simply citing a report in the *Courier-Mail*.

Madam DEPUTY SPEAKER: There is no point of order.

Dr FLEGG: There is no personal reflection involved. I was simply quoting the *Courier-Mail*. The minister has the opportunity to get up and make a statement if he disputes the *Courier-Mail*'s account.

Madam DEPUTY SPEAKER: Order! I have made the ruling that there is no point of order. I ask the member to carry on with his speech.

Dr FLEGG: This company has no source of alumina for its proposed smelter. This is also a company whose managing director is a business associate of former Labor prime minister Paul Keating. Its other director is controversial property developer Warren Anderson. It is a company that has already received generous concessions from this government.

Mr Robertson: This is a bucket job.

Dr FLEGG: This is telling the real agenda—the things the minister should have told us as to why the government was introducing this bill, not that stuff he did tell us.

The companies involved with the minister's Chinese connection have no experience in Australia, no knowledge of native title issues and no experience of our stringent environmental controls. That is without even mentioning corporate governance or capital adequacy. Compare and contrast the minister's courting of Aldoga executives—

Mr Robertson: Are you still quoting?

Dr FLEGG: The *Courier-Mail*. We will look forward to the minister's statement on that if he disputes it.

Members should compare that with the treatment of Alcan—refusing negotiations and not even telling it of this impending legislation to cancel the leases it bought only in December. By comparing the government treatment of the two parties we can go a long way to understanding the real agenda behind this bill. Alcan is entitled to ask whether it would get a fair go in a subsequent expression of interest or tender. The answer is contained in this government's actions to date.

I remind the House of Australian Magnesium Corporation. Do honourable members remember AMC? The government trying to pick winners? The government backing undercapitalised companies with a non-viable project that the investment community would not touch? Well, here we go again. Hopefully we will not see millions of dollars lost again, but the loss to Queensland from the delay and from the damage to our reputation as a place to invest may cost us even more than AMC did. The government's decision to override the due process of its own case in the Queensland Supreme Court not only damages confidence in doing business in Queensland; it is the behaviour of a Third World government.

Mr Shine: Who wrote this?

Dr FLEGG: I wrote it all. It is also hypocritical in the extreme. On 28 April, in response to a question relating to the CMC, the Premier, Mr Beattie, said—

The opposition this week deliberately set out to undermine the parliament and its institutions. They are not prepared to accept the umpire's decision. The opposition criticises the CMC when it does not give them the outcome they want. It is behaving like a spoilt brat. When they do not get what they want they attack the independent umpire.

In contrast—

this is the good bit—

the government fully supports the parliament and the institutions of the parliament even when those institutions take actions that could harm the government.

Clearly, this attitude to the parliament and the institutions of parliament does not extend to the Queensland Supreme Court. We have here a bill which involves use by the government of its legislative power to override due process within the Queensland Supreme Court. We have an action more reminiscent of a Third World dictatorship than a modern democracy committed to confidence engendered by the ability to have commercial disputes dealt with by an independent court. We have a decision that will portray Queensland in a way that introduces sovereign risk to investment decisions in our state and will undermine the confidence of major corporations in making investment decisions in Queensland. We have the use of the legislative power against a global resource giant which has for almost four decades invested in and supported Queensland and supported the Queensland economy. But above all, we have reasons advanced by this minister which are clearly incongruous and mask a hidden agenda in relation to this very major project for the Queensland economy.

The minister tells us that he has taken this extreme action firstly to prevent a protracted legal dispute when in fact the need for that legal dispute was removed by the takeover of Pechiney. The minister's other phoney excuse for this decision is that he wishes to fast-track the Aurukun project. In fact, he is blocking the one company that is in a position and prepared and has offered to fast-track the project—

Mr Robertson: Talk about picking winners!

Dr FLEGG: They already own it. They bought it!

Mr Robertson: No, they don't.

Dr FLEGG: If the government thought that, it would have stayed in court. This is a company that has operated in Queensland since 1965, a company that is not frightened to headquarter operations in our state, a company that is not frightened to invest in research and development, a company with very long experience in dealing with native title and indigenous owners, particularly in its Weipa mine, and a company experienced in understanding and meeting Australia's stringent environmental controls.

This morning on radio the minister came up with a third excuse, because his first two reasons did not stack up. That was that he had legal advice in relation to these leases. The place for legal advice is in the court. The courts determine legal aspects in Queensland, not the government by legislation. In other words, with Alcan we have the very sort of company that we would wish to attract to Queensland. Given that Queensland's reputation for fairness and as a good place to do business is at stake, why would the government do it? Clearly, the stated reasons are nothing more than a smokescreen for another agenda. Whatever that agenda is, it is not worth risking Queensland's reputation. It is not worth risking the thousands of jobs in the resource industry. It is not worth risking the huge financial benefit to the state and to the government's coffers.

We know that this government has been neither open nor accountable, but this bizarre decision raises that lack of openness to a new level. This government, by this bill, is reneging on a 42-year agreement. It is so desperate to do so that it is willing to sacrifice Queensland's reputation in the global minerals industry. Why is this government so desperate? It certainly is not for the phoney reasons advanced by the minister, reasons that stand no scrutiny. I would suggest that, with a boom in aluminium prices, the government has now found new friends—such good friends it is willing to renege on its 42-year agreement and damage confidence in investing in Queensland to boot. We are opposed to this bill.

Mr HOBBS (Warrego—NPA) (2.57 p.m.): I am pleased today to speak to the Aurukun Associates Agreement Repeal Bill 2004. The bill relates to the government compulsorily acquiring mining lease No. 7032 under the Aurukun Associates Agreement Act 1975 issued to Pechiney for a 42-year lease. As members have been told today, this lease was intended to process bauxite. One of the conditions of that lease was to have that in place by 31 December 1983. An extension was given to 1988, and a one-year extension to 1989 was also provided. I was interested to note that the member for Mackay said that that was an invalid extension due to the fact that the lease was not a valid lease. That is only an interpretation of what the government is doing. In fact, that is the crux of the present court case in relation to the government's determination and Alcan's determination in relation to whether the leases were valid or not. Quite clearly, the government is concerned about it. That is why we are here today debating this legislation—because it is scared and running. The government has run into the House to try to stop a court case that may go against it.

One does not have to be Einstein to work out today why the lease was not developed. The excuses that have been provided by the minister are totally invalid. One would have to be a schoolkid to believe them. During the 1980s there was a global oversupply of alumina. There are peaks and troughs, as all members know, through most industries and resources but there was not a window of opportunity there. In the 1990s we had the Wik claim and ongoing native title issues. No company in its right mind could produce. I had one company representative who said to me, 'Howard, a rock is a rock the world over and we haven't got a mine in Queensland or Australia.' He was referring to the native title hassles they were having. This is no different with regards to this company. In 2002 the world price was US61c a

pound. In 2003 it was US65c a pound and in 2004 it is US83c a pound. So it is probably getting close to a stage where it is viable and that is why the big movement is on now.

During the period of the lease the government treated Pechiney as a valid leaseholder, as was mentioned by a few speakers today, collecting increasing rent payments, consulting on water rights, consulting during the Wik land claim and holding numerous meetings regarding Pechiney's rights and feasibility studies. The company was given ongoing assurances by the government, including Premier Goss. In 2003 Alcan took Pechiney over and the government was well aware that it had a new company. It had a well-resourced company and, as was also mentioned before, a company with its headquarters based here in Brisbane. It was a company prepared to spend $15 million on a feasibility study which is under way now.

There was no indication to Alcan that this legislation would be brought before the House. Why would the government at least not talk to the company and say, 'Listen, fellas, we are not happy with the way things are going.' Clearly there is more to this case than meets the eye. It is a third-party acquisition to go to someone. The question is: to whom is it going?

The Beattie government last year spent $60 million attracting business to Queensland. We have a company already here in Queensland and the government wants to kick it in the teeth. There is no logic to it. The outcome of this bauxite lease will leave that $60 million at the starting blocks. We have a company prepared to do it. We do not have to fine the company to set it up. It is willing to come. It is quite clear that the company is keen to operate. It was not the original owners but it is now.

This is not the first time the government has used this tactic. This morning on the ABC the minister said that this has not been done before. It has. Remember Starcke? That was a third-party acquisition that was taken over. There was another place at Kangaroo Point but I cannot recall the name of it now. It was in Goss's time and I think it was a block that was compulsorily acquired.

Mr Robertson interjected.

Mr HOBBS: It was not mining at the time but it was the same tactic. The same thing was used. Then we had the natural resources legislation, where valuations were snuck through the House. The government did not even talk to the LGAQ. It came in here and lied to the House. It is as simple as that. With vegetation management regrowth, it told the community one thing and told the parliament another. The government is very, very loose with the truth on this. Why can the government at least not consult with the people it is dealing with? We are talking about a major international company which is going to bag Australia and it is going to take a lease from this company. If the government holds all the aces, what is it worried about? Why does the minister not pick up the phone? It is not hard to dial a number. He could ring the company and say, 'Listen, fellas, we disagree with what you are doing.' Why did the minister not ring? Why could the minister not consult with the company?

Madam DEPUTY SPEAKER (Ms Jarratt): Order! Please address your speech through the chair.

Mr HOBBS: Through you, Madam Deputy Speaker, why could the minister not ring them? The Beattie government is trying to pick winners, as I mentioned before. The government is clearly on shaky ground. There is no doubt about that. It has gone to great lengths to get this job done. There has to be some offer of some description that has been made to this government. The question is: what could that offer be to make it do this, to go to these extraordinary steps? It has to be either funding towards the ALP in some manner or form or the bailing out of a pet project. There has to be some reason. It cannot just be for the good of the nation. It has to be something really substantial.

Mr Reynolds: You are going back to the old pre-Fitzgerald days.

Mr HOBBS: No, I am not. This is happening now—in 2004. The minister needs to be aware that it is this year and it is happening now. It is the government's bill before the House and it is doing it now. Those opposite clearly have not explained exactly what the reasons are because what has been said so far simply does not add up. The minister should tell us what the reason is. He should come clean for once in his life. The member for Mackay said that the government must act in the interests of Queenslanders. I would suggest that the government is acting in the interests of the ALP in this state.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (3.06 p.m.): I rise to speak to the Aurukun Associates Agreement Repeal Bill and place on the record concerns which have been expressed to me in relation to the legislation directly and perhaps more particularly the concerns which the government's actions have raised with any major industry that looks at operating in Queensland. When the minister initially made his statement on 20 April a number of matters were not immediately evident. However, after discussions with quite a number of different individuals, some of those issues have since been clarified.

This legislation affects a number of companies in my electorate—companies which are large employers. Indeed, my husband, John, has worked and continues to work for Queensland Alumina for the past 20 years. The passing of this legislation will not affect the current direct employment of men or women in my electorate. Neither QAL nor the new CAR project will be denied access to raw materials, albeit that Alcan, the current owners of that Aurukun lease, have a 41.4 per cent interest in QAL. Boyne Smelter Ltd material inputs will also not be affected.

My initial concerns were that, in spite of legal processes which could be followed and indeed had been started by the government, the government has decided to take this legislative action. There have been two other times where something similar—not the same but the principle is the same—has occurred in this chamber. I cannot recall the name of the company, but a company on the Gold Coast had won a court action and the government of the day overturned that success. The second one was a small company—I believe it was a kitchen supply company—with its headquarters located on the South Bank close to the Southbank TAFE. It won a Supreme Court action in relation to the resumption of its land for the bus corridor. At the time—it was a Labor government in power—the National Party and Liberal Party, I believe, supported the overriding of that court decision and the removal of that company's rights that it had won at great cost financially. I felt at the time it was a great disservice not only to those appellants but also to the court system. It is my understanding that those appellants were not compensated for cost; I might be wrong.

Pechiney held this lease for many years with no action to activate access to the reserves. The minister, however, in his statement to parliament on 20 April stated—

When Pechiney failed to meet the 24 October 2003 deadline to surrender the lease, the Queensland government immediately started legal proceedings in the Supreme Court to enforce surrender.

This legal action, although perhaps not accepted well by Alcan, at least gave that company a legal right of reply and a process through which it could work.

The minister continued—

None of this is changed by the recent takeover of Pechiney by Alcan.

However, Alcan's comments dispute that statement. In a news release also dated 20 April, Alcan said—

Alcan only recently acquired control over the Aurukun bauxite reserves as a result of the December 2000 completion of its Pechiney acquisition. At such time, it inherited a complex legal case with the Queensland government over its rights to the reserves.

Since December 2003, Alcan has pursued, in good faith, written and face-to-face initiatives with the Queensland Government with a view to finding a path forward that would benefit all stakeholders. At no time has the Government raised with Alcan the prospect of terminating the lease through legislation. This decision has far reaching policy implications and could have serious ramifications for the mining industry in Australia.

The government seems focused on developing the Aurukun reserves and the construction of a new alumina refinery. This focus is consistent with Alcan's own agenda which makes the government's legislative intent all the more curious. Earlier this month, Alcan presented a very strong proposal to Queensland's Premier Beattie, offering an immediate commitment of AUD 15 million to complete a feasibility study on a fast-track basis to determine the economic viability of a bauxite mine and alumina refinery on the Aurukun land', said Richard Yank, President, Bauxite and Alumina, Pacific Operations.

Whilst I would prefer to see those projects proposed by Alcan placed in proximity to other plants in my area, Alcan has put a proposal to government to activate the Aurukun deposits and construct both a refinery and a smelter in that area.

It appears then that the process between Alcan and the government has been flawed in some way. I would seek clarification from the minister as to why within those negotiations the government could not consider allowing Alcan a suitable period of time to carry out feasibility studies with a caveat that the lease would be revoked if activity did not begin within a specific and achievable period of time. That would achieve the same outcome, perhaps with a little bit longer lead time, but at least give Alcan the opportunity and the time to put forward its case.

The government has said that it has taken this legislative action because of the potential for the litigation to become protracted. However, little time in the context of legal action has transpired so there is no empirical proof that the government and Alcan would be subject to increasing legal costs.

There would be many in the state who do not want to see this reserve locked up for protracted periods of time to artificially affect either the price of alumina or the availability of bauxite to new refineries or smelters which may be considered for Queensland. This is particularly applicable to my electorate where there is a new refinery in the very early stages, with land clearing and pad construction currently being undertaken, and that is the Aldoga project.

It is my information that Alcan has reserves sufficient for a period of approximately 150 years at Ely and Gove, Comalco has 200 years reserves, I am advised, and Alcoa has 150 years of reserves, I believe, in Western Australia. So I can understand the minister's concern at this significant reserve also being locked up for the already stated commercial reasons. Surely, though, there are mechanisms to avoid the reserves being locked up while still allowing Alcan a fair and just process.

All of the currently operating projects, and the Comalco Alumina Refinery, which is nearing completion of stage 1 now, will not be directly affected by this legislation. That is in terms of their input.

I could see that the action taken by government could be beneficial to the Aldoga project. However, even allowing for lead times for construction, there would still be sufficient opportunity to give Alcan an appropriate right of reply through the court system. As I said, even if Aldoga commenced its construction for what is its first project, which is a smelter, the construction time required for a refinery to be finalised would allow plenty of time for the necessary negotiations, allowing everybody a fair judicial

process. The process used by government in this instance appears to be doing as much damage to government/private enterprise relationships as the locking up of the resource has done or may do in the future.

Concerns have also been expressed in relation to sovereign risk. Companies which negotiate with government in a similar vein feel that the certainty of agreements reached may be significantly undermined by the action of government in this instance. Again in my electorate we have a number of companies with overseas shareholders. These shareholders could question the security of agreements made with the Queensland government to date or in the future. In relation to these concerns, can the minister give a categorical reassurance and undertaking to companies, either state based or from overseas, that other current or future agreements will not be dealt with in a similar way, thus undermining the investment program for companies in our region.

Previous speakers for the government on this bill continue to refer to Pechiney as the entity in question. That is inaccurate. Pechiney was the target of a hostile takeover in 2003 which was finalised in December. The government must now deal, in fairness, with the new owners, Alcan.

I would also seek the minister's clarification in relation to the result of this action by government. Once the lease is taken by government and resumed, what will be the native title implications to any future company which may be interested in the deposit? What process will it be required to follow? Will it be the full native title process and, if so, has that been made clear to any companies that have shown interest?

At this point in time, in spite of the implications and the fairly mischievous way in which my position can be construed, I cannot support this action and the legislative process that the government is undertaking, particularly because of the lack of justice to Alcan but more particularly because of the undermining of certainty that it gives to companies that invest in this state, and particularly a number of large companies which invest in my electorate and which are looking for certainty, which are looking for an open-handed negotiation with government, with security that in the future agreements reached in fairness will not be in some way overturned or dealt with in a similar way. I look forward to the minister's response and will certainly be withholding my final decision until that time.

Mr O'BRIEN (Cook—ALP) (3.17 p.m.): I rise to support the Aurukun Associates Repeal Bill 2004. The bauxite deposits, which this bill refers to, lie entirely within my electorate of Cook in remote far-north Queensland. The deposits also lie beneath the traditional lands of the Wik and Wik Waya people who have been waiting 30 years for the promised benefits from the proposed exploitation of these deposits.

The history of the issuing of this lease and the subsequent passing of the associated Local Government (Aboriginal Lands) Act in 1978 is a tragic story. As far back as 1968 the American company Tipperary began prospecting for bauxite on Wik land on the understanding it would consult with the Aboriginal people before commencing the mine.

In December 1975 the Bjelke-Petersen government rushed through the legislation we are repealing today to allow the mining of the leases by the consortium of companies mentioned by previous speakers. The passage of the act caught the Aurukun community completely unaware and was contrary to their 1968 agreement with Tipperary. The act was successfully challenged in the Supreme Court by Peinkinna and others in 1976 but the subsequent appeal by the National Party government to the Privy Council was upheld.

In 1976 Malcolm Fraser publicly supported the Aurukun people and the Federal Aboriginal Affairs Minister of the day, Ian Viner, wrote to the mining consortium saying the Federal Government wanted to be involved in negotiation of terms and arrangements satisfactory to the Aurukun people. I say to the five Liberals in this parliament that they should study carefully the former federal Liberal government's response to this legislation and ask themselves which tradition they adhere to and which tradition they seek to inherit. Is it that of Malcolm Fraser who tried to advocate on behalf of the Aboriginal people and failed or that of the Bjelke-Petersen National Party government that ran roughshod over the rights of Aboriginal people at every opportunity?

It is interesting to note that the federal member for the area at the time was Mr Ian Thomson, a member of the National Party. It is interesting to note also the comments made by the Hon. R.E. Camm, the minister at the time and member for Whitsunday. Thankfully we have a much more sensible member for Whitsunday these days. He stated—

> The completion of this agreement is another great milestone in Queensland's unprecedented development in recent years. It will result in a further substantial upsurge in the economy of this State and I am confident that it will be welcomed by the vast majority of Queenslanders.

He went on to state—

> The project envisaged in this agreement will cost in excess of $500,000,000. Eventually it will include an alumina refinery, a new port, a new town, and will employ at least 1,500 people.

Hollow words indeed. The member for Nudgee at the time, Mr Melloy, responded on behalf of the opposition. He stated—

We see an intrusion into the traditional tribal lands of Aborigines. Such a situation is fraught with problems—problems that should be resolved before any work is undertaken in the area. If they are not resolved with the co-operation of the Aborigines concerned, trouble will arise in years to come.

A couple of other acts and court cases are associated with the bauxite deposits and the land in this area. In the mid-1970s a move by a number of groups to re-establish themselves on or near traditional lands gained momentum, although the Bjelke-Petersen government saw problems. It had great problems with the fact that Aboriginal people were seeking to live on Aboriginal reserves. One such person was John Koowarta whose wife still lives in Aurukun. He tried to move back to his land. The Aboriginal Development Commission attempted to purchase part of the pastoral lease from Aurukun. This land was part of his traditional land. The Bjelke-Petersen government refused to allow the transfer of title. But while it lost the resultant High Court case, it had already circumnavigated the decision by declaring the area a national park.

Is it any wonder that when the thousand people in Aurukun show up to vote 95 per cent of them vote Labor. In 1978, partly as a result of the outstation movement and because of a very public campaign that the Aurukun people had waged against the bauxite agreement, the Queensland government attempted a pre-emptive move to bring Aurukun under its direct control. A large scale public campaign was mounted by the Aurukun Wik people, again with the support of the church, which attracted national attention and wide-ranging support.

After initial strong support of the federal Fraser coalition government for Aurukun's desire to be independent of the state, a final compromise outcome was negotiated between the Queensland and federal authorities which established Aurukun and the assistant mission at Mornington Island as a local government under the special purpose legislation. The political struggle involved a significant number of key Aurukun Wik people travelling widely throughout Australia in a campaign which attracted national attention and support.

I direct my comments to the real issue surrounding the future of the Aurukun deposit. The mineral resources at Aurukun provide the state with a unique opportunity to optimise investment into north Queensland. As a responsible government with a clear duty to deliver the best possible results for Queensland, we have to serve the state's best interests by seeking expressions of interest from all parties keen to invest in the area's resources. When this bill becomes law, the government will move as quickly as possible to open this world-class resource to the global market by calling for international expressions of interest for developing this deposit and other mineral resources. The expressions of interest process is the best mechanism to ensure that the state maximises its opportunity to create a model for managing and investing in world-class mineral deposits and downstream processes for the future.

One of the principal benefits of going through the expressions of interest process is that it gives us the opportunity to maximise the return to the Queensland taxpayer of a non-renewable resource of significant value. However, before the government can formally start that process, we must be able to deal with the land we are talking about here today for which the sole lessee is Aluminium Pechiney Holdings, now a wholly owned subsidiary of the Canadian company Alcan.

The litigation between the state and Pechiney over this matter—over a case in which Pechiney has stood in breach of an act of parliament for 15 years—will be lengthy and expensive. Add to that the fact that Queensland has already lost 29 years worth of economic development and revenue because the Aurukun deposits have been sitting idle. Twenty-nine years is a very long time for a valuable resource to be locked up. Fifteen years is a long to be in breach of an act of parliament. This move cannot be said to be premature or unjustifiable.

I had a look at the current unemployment figures for Aurukun. The Commonwealth has the unemployment rate at 5.4 per cent. Anybody who believes that has rocks in their head. CDEP, the Aboriginal Work for the Dole program, has about 300 people on it. They work about two days a fortnight. There are about 1,500 people in Aurukun and I would be very surprised if at least 1,000 of those people were anywhere near fully employed. This is a great opportunity for those people and we need to grab it with both hands.

There are good prospects that the EOI will attract significant international attention and the most likely result is a significant investment in downstream processing in Queensland. This means jobs, economic development and a long-term future for regional communities, particularly Aurukun. The government's decision to call for international expressions of interest is commendable for a number of reasons. It is by far the best, fairest and most publicly accountable way to secure a commitment to develop those resources.

The EOI will reveal the market's true interest in the deposit and give the government the best opportunity to gauge the optimum value-adding opportunities. We now have an opportunity to develop this deposit in line with contemporary resource and environmental management practices and the involvement of the local indigenous communities in mining projects. The Aurukun bauxite deposit's size, quality and low sovereign risk makes it world class.

As we look towards a global shortage of alumina, many producers are trying to secure increased supplies of bauxite. We cannot allow this resource to be tied up in lengthy delays any further. That is the point that really demonstrates the difference between the National Party and the Australian Labor Party. It is interested in lengthy court battles and lining the pockets of lawyers. We are interested in providing economic opportunity, development and jobs for struggling Queenslanders like those living at Aurukun.

In a climate of new and reconfigured international interests in the aluminium industry this government would be negligent if it did not try to test the interests of the global marketplace for this resource. The rapid development of China in development production and the use of aluminium, the significant Russian holdings and the shifting landscape of the large European and American corporations means that we have the opportunity now to derive real benefits for Queensland taxpayers from this deposit.

An open tender process is the only way to guarantee the best results for all Queenslanders. Both wider industry and the community as a whole have the right to expect that the resource will be put to the market in an open, transparent process. There is no disputing that Alcan is a world-class leader in the aluminium industry. It would be reasonable to expect it to make an expression of interest. I was pleased to hear that it is committed to studying the economics of building a refinery in Queensland. But it would be irresponsible and unfair to reward Pechiney's failure to follow through on its statutory obligations with preferential treatment for its new parent company.

Before an expression of interest is called for, the government will consult with indigenous stakeholders, including the local community members, about its intentions. In doing so, it will right a 30-year wrong. Honourable members may not be aware that in 1975 the original act was pushed through in a midnight sitting for one reason—because the next day the federal government would enact laws that would have made consulting with the local indigenous community compulsory. We now have the opportunity to right that injustice. It is reasonable to anticipate that any future development would involve some agreement or memorandum of understanding with the relevant indigenous stakeholders and that the proponent would be encouraged to secure a major role for the area's local indigenous communities in any future mining and downstream processing projects. These resources need to have the slate wiped clean so they can be developed by a company without fear or favour, without worrying about whether the tenure is legal or not, without tying up the matters for years in the courts which can only hurt everyone.

I note an article that appeared in the *Weekend Australian* on Saturday, 25 October by Amanda Hodge quoting Anthony Kerindun. The article states—

As a younger man, Anthony Kerindun helped build the sheds and airstrip that now stand derelict on his traditional lands in the belief that they would one day serve as a bauxite mine. For three years in the late 1970s, he worked with his father, brothers and uncles, building as well as loading bauxite on to a plane that arrived every Friday to transport samples down south.

Then one day, after three years, the work stopped.

'We thought they would come back and start again,' Mr Kerindun said yesterday as he surveyed the abandoned shed and dongas that once served as workshop and camp site. 'They never did. They didn't even let the old people know.'

The article continues—

Stella Owokran—another traditional owner whose father walked mining representatives the length and breadth of the lease, pointing out and mapping story places and sacred sites so they could be protected.

She has done the same with her children and grandchildren.

I will leave the final words to the former mayor of Aurukun, Mr Jacob Wolmby, who is willing to put all of those issues aside—all of the issues of the history of this lease aside—in the hope that a new mining lease will create training, jobs and royalties for the locals. I commend the bill to the House.

Mr JOHNSON (Gregory—NPA) (3.32 p.m.): In rising to speak to the Aurukun Associates Agreement Repeal Bill 2004, it never ceases to amaze me what line the government is going to pull through this House next. We know that this is a piece of repeal legislation. However, while this is in the court process, I would have thought that the correct and proper way to get a result would be for the court to make its finding and to then come back to the players—whether it is the government, Alcan or whoever it may be. We will be judged in the future on how we manage our resources in this state and the corporate players—whether it be Aldoga, Alcan, Rio Tinto or whoever they may be—will be looking very closely at how the small print is structured in some of these contracts.

There has been much hype in this House today as to why Pechiney has not taken any action over the last 30-odd years. We talk about business. We talk about viability. We talk about international markets. I call on the minister today when he sums up the debate to show his hand as to who the third player is in all of this and what the government's intentions are. I believe that the government will end up paying more than the $570,000 indicated in the bill, because while the court process is still going on taxpayers' dollars will be exhausted in large amounts in order to get an outcome to these court hearings. The member for Cook made reference to the fact that when this legislation is passed the government will move very quickly to open the market up world wide. That is all very good, too. I would have thought that the marketplace is there now. However, we have to be fair, reasonable and understanding of this

process. It seems that there is a hidden agenda, and I call on the minister to make certain that he tells the people of Queensland what the real facts are.

How is this lease going to be utilised if the dispute continues through the court? That is another issue. It cannot be put on the open market. Places such as China have no bauxite resources. Is there a deal here that the minister knows about that we do not know about? We all know how the criteria is set down for Pechiney to comply with, but again there appears to be something shady in this legislation.

Mr Hobbs interjected.

Mr JOHNSON: Yes, I also wonder if it is. We will see. It will all come out. That is a good point, member for Warrego. Whether it is under the mudguard or on top of the mudguard, I do not know. The minister has overseen a couple of controversial pieces of legislation through this House in recent times, and there could be controversy associated with this if we do not get it right.

There was never any mention of the stranglehold on the project by native title in the early 1990s, and we all know what government was in power at that time. The member for Cook made reference to native title and the Wik issue, but there are many other speakers in this debate who have never made mention of the native title issue. We know the stranglehold of native title. A previous member who spoke in this debate made reference to Ron Camm when he was minister. From the little I knew of Ron Camm, I thought he was very decent, very honest and a man of great integrity and decency. I would have thought that he was one of the good ministers in the Bjelke-Petersen administration who did cross his t's and dot his i's. However, it comes back to the final players and business viability, both of which have been overlooked in all of this.

There has been much discussion inside and outside this House about this issue, but my real fear is this: what sort of a message are we sending to the big players on the international scene? Are they going to get mixed up in resources in Queensland? Are they going to become involved in a deal and then down the track the government overrides them, repeals their contract or repeals the legislation and opens it up to tender again? These are the real concerns that I have.

The government has stressed that the Pechiney Aurukun lease was a special case and that it is not about to get into the habit of relieving investors of their mining titles. This legislation will create a precedent in that if the government wants to bully someone, whether viable or not, it will just move legislation through the House that will create the outcome that the government wants. That is not good enough. I would have thought that this government would have negotiated and exhausted fully the deals and conditions of this contract and would have made absolutely certain as corporate players, both government and big business, that we would have seen an outcome that would have advantaged all players in Queensland.

The member for Cook made another very valid point which I was going to touch on anyway, and that is the issue of Aboriginal people. He has raised a very valid point and one that will no doubt create employment. I hope that this project does get off the ground so that those Aboriginal people can become players in the project. Again, if the same sorts of conditions are going to be set down for the next players in this project, we still will not see employment created and we will not see an outcome that will advantage the indigenous people of this state, or anybody else in this state for that matter. At the end of the day, it is about creating investment. It is about creating an environment which has a viable outcome, not one which will see the players go to the wall.

I think the member for Moggill made reference to another significant player in big business here in Queensland, and that is the magnesium smelter at Rockhampton. Whilst there has been government input into that, I hope that that project becomes a viable venture in time to come. Many mums and dads have had their fingers burnt. However, they have recouped their dollars and cents and there are profits coming back from that project.

With this project at Aurukun, I really believe that there is a hidden agenda here. If there is, the minister and the government should come clean so that we can see that resource developed in a viable and profitable way that will advantage the whole of Queensland, including those indigenous people at Aurukun, so that we can see there employment created, wealth generated and quality of life initiated. This project will be governed not only by what happens here in Queensland but also internationally. No doubt the minister is probably aware—no doubt he knows more than what we know here—that the real issue is that some of these projects are not viable if the parent company cannot sell that resource. It is all about the finished product. I have spoken to some of the heavies in some of the major mining companies around this state in relation to bauxite and especially China's position. China does not have any bauxite. It has to get the commodity from somewhere. The Russian deal is not satisfactory. So in which direction is China looking? Queensland! I applaud that. I welcome that. If there are going to be dollars for Queensland, let us have it. But at the end of the day, it has to be done square, it has to be aboveboard and it has be in the best interests of the Queensland government and the Queensland citizens, including the indigenous people of north Queensland and also the people who are going to be involved in progressing that business, whether that be Alcan, Aldoga, or whoever. At the end of the day, the government has to be open, it has to be scrupulously honest with the people of Queensland and

with the people it is dealing with so that we can get the outcomes that the people of Queensland deserve.

Mr McARDLE (Caloundra—Lib) (3.41 p.m.): In 1975 the Aurukun Associates Agreement Act was passed, creating a special bauxite mining lease to a group of companies for a period of 42 years and requiring them initially to construct a refinery by the end of 1983. In 1985, Pechiney Holdings became the sole lessee. On 16 December 2003, Alcan purchased that company for $6.3 billion, incorporating the said mining lease.

In that context, it is worth while considering the exact details of Alcan in the context of its bauxite and alumina operations throughout the world. Alcan has 88,000 employees world wide and operates some 300 facilities in more than 60 countries. In Australia, Brisbane is the headquarters of Alcan's bauxite and alumina Asia-Pacific operations, where it employs 200 staff. In fact, Alcan has been involved in Queensland since 1965. It has a 41.4 per cent stake in QAL and Alcan Engineering is also based in Brisbane. Alcan has two leases in Cape York and has a commitment to research and development in partnership with the CSIRO. Without doubt, Alcan is the major player in the world of the bauxite and alumina industry and has indeed placed major assets and resources in a product that has benefited the economy of Queensland for years and will do so for years to come. Together with generating employment both directly and indirectly as a consequence of its activities, Alcan cannot be said to be a minor player, nor one without the expertise to pursue the development of a project. In fact, it has never been suggested in this House or anywhere else that Alcan cannot perform the terms of any agreement—indeed, the terms of the agreement that is the subject of these legal proceedings.

Whilst it is not my intention to go through the Aurukun Associates Agreement Act in great detail, it is important to acknowledge that, firstly, the act was passed in 1975 by this House as one of the three arms of our system of government. Secondly, on 20 October 2003, the government of the day commenced legal proceedings in the Supreme Court asking the court for a declaration that the original lease had been extinguished. On 23 April 2004, the defendant in that case filed both a defence and counterclaim. In the counterclaim, the defendant sought the court to make an order that the lease is still valid. Thirdly, on 20 April 2004, this government introduced this bill, which, if passed, will effectively end the current legal proceedings. I intend to return to these points at a later date.

It is worth while noting that the minister, in his second reading speech, stated—

... and the state was forced to commence legal proceedings in the Brisbane Supreme Court, where proceedings are ongoing. Without this legislation this matter will not be finally determined until all legal avenues are exhausted, at great expense of time, money, and lost opportunity. The potential legal costs to the Queensland taxpayer of a lengthy Supreme Court trial are enormous and, whatever the outcome, there are likely to be appeals, perhaps all the way to the High Court.

Of course, the House should be aware that it was this government that commenced those legal proceedings. I presume that appropriate advices were obtained prior to doing so, given the complicated nature of the agreement and its complicated history since 1975.

Given that there have been no allegations that Alcan is not able to perform the terms of the agreement, why then are we facing legal proceedings at all? In his ministerial statement of 29 April 2004, in speaking of his trip to China, the Minister for State Development and Innovation stated—

There was also enormous interest in the so-called Pechiney lease covering the Aurukun mineral deposits, which contain an estimated 500 million tonnes of bauxite. I attended a meeting with the China National Development and Reform Commission, which was also attended by federal Trade Minister, Mark Vaile, and South Australian Trade Minister, Paul Holloway. At that meeting, Chairman Ma Kai said he had three major interests and No. 1 on that list was the Pechiney lease. There were also inquiries from Chalco, the sole domestic producer of alumina to the Chinese market and the second largest alumina refiner in the world. I stressed in these meetings that any company wanting to secure this lease would have to build a refinery in Queensland.

Of course, it was only two weeks ago that the Chinese government moved to slow its own economy against fears of it overheating. In fact, this overheating was the subject of an article by Phillip Day in the *Australian Financial Review* on 7 May 2004 titled 'Chinese slowdown now world wide fear'. In its media release of 16 April 2004, we have Alcan stating that it was prepared to pay $15 million to undertake an immediate viability study in relation to the area in dispute against other interests who have held what, at the very best, can be called preliminary talks as to what they may do plus the minister's own words in his second reading speech of asking for expressions of interest. Thus, the procedure for development will start from scratch. There is no comparison. Alcan is ready to go. The others are not even at the starting line.

I fully endorse the comments made by the member for Moggill with respect to the commercial impact of this decision in that it provides a very strong negative message to mining interests and to companies throughout the world. It is a message that a country such as Australia can ill afford to send. However, in addition to the commercial impact, I can see questions on the rights, or perhaps obligations, of any government when it does three things. Firstly, it introduces a bill that directly impacts on legal proceedings before a court. Secondly, it introduces a bill where that bill impacts on proceedings commenced by that government. Thirdly, if passed, the bill defeats a defence lodged by the other party and causes an end to the legal proceedings without the court deciding the point in question.

As I stated, on 27 October 2003 the government filed an application in the Supreme Court seeking a number of orders. To say the least, the document was bereft of detail. It provided the bare

bones of an argument and was the subject of a counterclaim by Pechiney, which raised significant questions with respect to the history of this matter, including, firstly, that from each year, between 1989 and 2002, the government had—

A: Demanded payment from the defendant of annual rent in advance to the leased area pursuant to the terms of the agreement; and

B: Accepted payment of sufficient rent from the defendant.

Secondly, the government did not stop Pechiney in 1993 from defending a land rights claim concerning the area the subject of the bill and did not raise the facts that the agreement and the lease were invalid and by not doing so caused the defendant to incur large legal costs and loss of time. Thirdly, the government, by not taking action within time periods required under the terms of the agreement, waived any entitlement to demand a surrender of the lease.

The document filed by Pechiney consists of 26 pages and provides a significantly detailed history of the lease leading to the government's agreement in December 2003 to sign a consent order placing the proceedings before the court on the supervised case list to be reviewed after 4 June 2004. The government consented to put this matter to trial. On 20 April 2004 the minister introduced the current bill to the House. By doing so he has removed, provided the bill is passed, any opportunity for the legal process that his government commenced to proceed to determine the matter. In other words, having asked the independent umpire to judge the issue the government has now not only moved the goal posts; it has in fact removed the goal posts entirely from the playing field. Again, one wonders whether legal advice was taken from Crown Law with regard to the document filed by Pechiney detailing the company's chances of success if the legal proceedings continued.

As I stated earlier, there were three questions that needed to be considered, outside of the very damaging commercial message being sent. One of those questions is the right of any government to introduce a bill that directly impacts on legal proceedings that it has asked the court to adjudicate on where, if the bill is passed, it destroys the rights of the party it took legal proceedings against to defend itself.

On 30 September 1993 Gerard Carney, associate professor of law, Bond University, delivered a paper to the Australasian Study of Parliament Group, Queensland chapter, entitled 'Separation of Powers in the Westminster System'. In that paper he directly refers to laws which could interfere in the legal process having been enacted from time to time and quotes a New South Wales Court of Appeal decision at page 8 of his paper. It states—

... it is contrary both to modern constitutional convention, and to the public interest in the due administration of justice, for Parliament to exercise that power by legislation interfering with the judicial process in a particular case pending before the Court.

Though it may well be argued that the bill before the parliament today does not direct the court to take a certain course of action and nor does it interfere with the court's internal operations, it cannot be argued that it does remove the rights of Alcan to defend the claim made by the government in the forum chosen by the government.

In its *Alert Digest No. 2 of 2004*, tabled today, the Scrutiny of Legislation Committee considered this bill. Remembering that the committee has an obligation to determine if the bill has sufficient regard to the 'rights and liberties of individuals', the committee, in directly dealing with the bill, makes two statements. Firstly, at point 14 on page 2 it states—

Given the complex circumstances and history of this matter, the committee does not feel in a position to reach any firm view as to the extent of Pechiney's current legal rights.

Secondly, at point 17 on page 2 it states—

The committee refers to Parliament the question of whether the provisions of cls.3-7 of the bill have sufficient regard to the rights of Pechiney.

I can certainly understand the committee's concern in not being able to answer its charter as to whether Pechiney's legal rights are protected. The unstated words in the report are, 'Let the independent umpire called in by the government decide the question.' The report itself uses words such as 'complex', 'history', 'current legal rights' and 'sufficient regard to the rights of Pechiney'. All of these words ring danger bells, further enforcing the need for a judicial determination, as requested by the government.

I refer to an answer of the Attorney-General today to a question without notice asked by the Leader of the Opposition in relation to the recent decision by the Magistrate's Court. In response to the question the Attorney-General said—

He—

referring to the Leader of the Opposition—

simply does not understand that it is not for me, nor him, nor indeed any member of this parliament to interfere in the administration of justice in our courts.

I could not agree more wholeheartedly. It is a very dangerous step to remove the right of a person, company or otherwise to seek redress through the courts. It places in question the motives of

the government in proposing this bill. What is equally of concern is that the government is a party to the court proceedings and, critically more so, is the party that started the proceedings. One cannot defend the umpire being called in to decide the issue and then throw the umpire out. The statement by the minister in his second reading speech that no valid leases are being cancelled and no contracts are being broken is hollow when we read the defence document filed by the company and now before the House. Clearly, the government is concerned that the proceedings before the Supreme Court are likely to not go its way, thus the bill has been introduced. This bill sets a very dangerous precedent and blurs the separation of powers in our system of government. I ask the House to reject the bill.

Hon. T. McGRADY (Mount Isa—ALP) (Minister for State Development and Innovation) (3.56 p.m.): I understand that in the debate which has been taking place over the last couple of hours one or two comments have been made by members of the opposition about the role I played during the recent visit to Asia. I want every person in this House to understand one thing: as a minister here in Queensland, particularly as the Minister for State Development and Innovation, I have a responsibility to do all I can to ensure Queensland continues to prosper and we provide jobs for our people and wealth for this state. I do wish, though, that when people are making a contribution they would get their facts right.

On my recent trade mission to China, Korea and Japan I was accompanied by a delegation of Gladstone businesses who trade under the name of the Gladstone Alliance. Aldoga was not a part of that delegation. I had no discussions or meetings with Aldoga whilst I was in China or indeed anywhere else. To my knowledge I have never met with representatives of Aldoga, with the exception that on the last night I was in China I attended a dinner in Beijing with the federal trade minister, Mark Vaile. At the end of the night I exchanged very brief pleasantries with representatives of Aldoga, just as I did with many dozens of other Chinese and indeed Australian businesspeople.

The business delegation which accompanied me to China and officers of my department had some separate meetings at which I was not in attendance because, quite honestly, I had meetings with, I recall, the Deputy Premier of China. When the director-general of the Department of State Development and Innovation attended two meetings, he was accompanied by the commissioner for Queensland. They were not aware that any representatives from Aldoga were to be in attendance. I am informed that halfway through the meetings people from Aldoga turned up, obviously at the invitation of somebody.

I want to stress to this parliament today that I did not take a delegation of Aldoga with me to China, as some people have implied. I will repeat that: I did not take a delegation to China which included Aldoga. I have never met that company, and I have checked my diary now and there has been no request for me to meet with those people. So before he comes into this place making allegations about whom I met and whom I did not meet he should get the facts straight. He is new to this chamber and I would request in future that before getting up and listening to briefs from other people he check with the minister if I met with Aldoga. I did not meet with Aldoga. I have never met with Aldoga. There are no requests into my office to meet with Aldoga. I did shake hands with two of their representatives at the end of a function in Beijing and the conversation would have lasted approximately 60 seconds. So I think it would be appropriate for those people who have made those allegations about me taking a group from Aldoga with me to China to at least apologise to me.

Let me just go over the points again in case people have it wrong. The delegation which I took with me consisted of a small group of people from Gladstone Alliance. In the meetings I had in China, Korea and Japan, Aldoga were not in attendance. There were two meetings which officers of the Queensland government attended and halfway through, as I am informed, people from the Aldoga company came in—obviously at the invitation of somebody; certainly not the Queensland government, certainly not the minister from Queensland and certainly not the Queensland director-general of the Department of State Development and Innovation. I thought I had to intervene in this debate to set the record straight. I do not want to hear anymore nonsense about me as the Minister for State Development and Innovation meeting with Aldoga or carrying Aldoga around Asia with me; I did not.

When I think the Deputy Premier of China asked Mark Vaile, the federal minister, about those leases, Mark Vaile turned the question over to me and I explained exactly what the situation was. The Chinese knew as much as I could tell them. That is my job: to report on what is happening in Queensland, to do all I can to encourage jobs, investment and trade in our state. Quite honestly, what people have to understand is that, when leases and other things are given, certain conditions apply and if people do not meet the conditions then things happen. I am glad for the opportunity to participate in this debate simply to set the record straight.

Mr LANGBROEK (Surfers Paradise—Lib) (4.03 p.m.): I rise today as Liberal shadow minister for natural resources, mines and energy to speak on the Aurukun Associates Agreement Repeal Bill and would immediately like to remind the House of the double standards that are being applied to bring this bill before the House. On 27 April this year, with regard to the CMC inquiry into the 'winegate' affair, Mr Beattie said—

Do I go out there and seek to denigrate the independent umpire? No, I do not. I have the courage to stand by the independent umpire ...

Then on 28 April this year Mr Beattie said—

The opposition is behaving like a small child. When they don't get what they want, they attack the independent umpire.

Not to be outdone, in 2002 on two separate occasions with reference to Condamine-Balonne water resource planning, the minister sponsoring this bill stressed in this place the importance of abiding by the independent umpire's decision. What does this show us? It shows us that just 13 days after Mr Beattie accused the opposition of acting childishly for attacking the independent umpire Mr Beattie's government comes before this House seeking to pre-empt and/or bypass the independent umpire's decision without even waiting for such a decision. Just 14 days after Mr Beattie said he had the courage to stand by the umpire's decision, his government decides that the independent umpire's decision may not satisfy their needs.

These double standards, however, are not like some double standards from the current government. The consequences of these double standards are not simply confined to frustrating this parliament and creating debate in this House. These double standards affect the lives of ordinary Queenslanders. These double standards place in jeopardy the economic growth of Queensland and creation of jobs in our state. It leaves a dark legacy on the international attractiveness of Queensland to foreign investment.

There is a huge problem here with the interference by the government in the legal process. The top law official of this state, the Attorney-General, stood in this House this morning advocating what he called the time honoured principle of the separation of powers. I could not agree with him more. In this instance, the government has commenced legal actions for reasons still not defined to strip a company of its lease. It has done so in the hope that the holder of the lease would simply roll over and give in. When the company has not rolled over, the government has decided not to wait for the independent umpire's decision but to take matters away from the court by passing an act of parliament. This is the most blatant disregard for the time honoured principle of separation of powers I have ever seen.

This is simply a case of not wanting to risk what the court might hand down and, as such, degrading the court's power. This is not just a chorus from this side of the chamber. Along with us are the Queensland Resources Council, the Australian Aluminium Council and the Minerals Council of Australia. That chorus sings that sovereign risk is substantially increased with this bill. Sovereign risk encompasses all of the risks associated with cross-border investment. The main elements are the legal, political and settlement risks.

Considering this, what I find staggering is that the only explanation that can be offered for this bill is limp rhetoric about job creation. Yet a government pre-empting a court's decision sends a signal to the world that the political and legal mechanisms in Queensland are not independent of each other and the risk of interference by government is high. If the government can say this is good for business, it obviously has no regard for Queensland.

When a business considers entry into an area or expansion of operations, the fact that a government can strip it of its lease is a big black mark. It is an obvious disincentive to set up operations and large corporations will take their business elsewhere as a result. On this point, that the government is taking this action as an avenue to create jobs, I ask: why is it that Alcan's assurance of a feasibility study so that the project would be started as soon as possible is not good enough? Here we have a company that employs 1,500 people in Queensland—a company that has been doing business in this state since 1965 and a company that owns over 40 per cent of the world's largest alumina refinery in Gladstone.

Alcan has been a major contributor to the state's economy for almost 40 years. Surely, if the government were serious about securing a quick start to this project and the jobs such a project would bring, the government should withdraw this bill and allow this company to start looking into feasibility as an avenue to production.

What we are proposing not only respects time honoured legal traditions—traditions our legal system is based around—it also makes clear business sense. Let us not even use the name Alcan. Let us say one is sitting a university exam in which one is forced in a question to choose between two companies. Company A has local knowledge that has been gathered over a 40-year association with the area. Company A is one of the few companies big enough to mine the resource, employing 88,000 people in 63 countries. Company A has, in the short time since acquiring the lease, committed itself to a $15 million feasibility study of the area.

Company B is an unknown company which is the sole supplier to another country. It does not have any local knowledge and does not match company A in size. Company B has no stated commitments to anything should it receive the lease. This question is a no brainer. Of course, company A—in this case, Alcan—is the correct choice. This illustrates that our stance is not about any affiliation with Alcan because no affiliation exists. This example shows the government that the way to achieve its catchcries of jobs and economic prosperity is to honour this lease.

Perhaps the reason the government does not want to honour the lease is that the government may have had a better offer. As my esteemed colleague the member for Moggill pointed out, Aldoga executives have had meetings with State Development Minister Tony McGrady. I refer to an attempted point of order put forward by the minister claiming Dr Flegg was misleading the House and I refer to an article from the *Courier-Mail* entitled 'City Beat; Jet Set McGrady' dated 29 April 2004. I seek leave to table the *Courier-Mail* article.

Government members interjected.

Mr LANGBROEK: It has been in the paper. You all read the *Courier-Mail*. If it is not right, you have had two weeks to correct it. It says—

New minister for big projects, Tony McGrady, did not waste any time post election before dipping into the ministerial travel budget and jetting off to Japan, South Korea and China, and naturally with him in the world's most overheated major economy were executives from aluminium hopeful, Aldoga, who took the opportunity to introduce the minister to their Chinese partner, the quaintly named China Non-ferrous Corporation.

A government member interjected.

Mr LANGBROEK: You have had two weeks to correct it if it is not right.

Mr Hayward: You try and correct something in the *Courier-Mail* and see how you go.

Mr LANGBROEK: I am also concerned about the connection between directors of Aldoga and prominent members of the Labor Party.

Mr English: Point of order.

Mr DEPUTY SPEAKER (Mr Poole): Order! Show some respect to the chair. Point of order.

Mr ENGLISH: The minister was just in here and corrected the record categorically outlining his position there. The member is misleading the House. He knows this to be untrue.

Mr DEPUTY SPEAKER: There is no point of order.

Mr ENGLISH: If he is quoting an article, that is fine.

Mr DEPUTY SPEAKER: There is no point of order.

Mr LANGBROEK: I seek leave to table a copy of an article dated 8 February 2001 from the *Australian Financial Review* titled 'Behind Beattie's Smelter'.

Leave granted.

Mr LANGBROEK: The main arguments put forward by members opposite in favour of this proposal do not make sense. Another argument put forward by the minister is that this issue needs to be resolved quickly using as few taxpayer funds as possible. Today it has come out that Mr Beattie does not have any hard feelings towards Alcan, that Alcan are just bystanders who acquired a doomed lease. As such he has offered the very generous offer to Alcan that they can apply when the lease is tendered.

I ask: if Alcan is a serious contender to win this bid, then would it not make sense to honour the lease, cut through all that red tape and preserve the legal political relationship in Queensland? Moreover, the Scrutiny of Legislation Parliamentary Committee came to the conclusion that given the complex circumstances and history of this matter the committee does not feel in a position to reach any firm view as to the extent of Pechiney's current legal right. The committee is clearly saying that this is not the forum in which legal questions should be answered. I fully support this view. We have a separation of powers and, more importantly, the judiciary is the most separate branch of power for a reason. Neither the committee nor any person concerned about the integrity of this parliament would agree to this House deciding on what is and is not a company's legal right.

So what do we have when it all boils down? We have a bill that seeks to bypass the time-honoured, well-established foundations of our legal system. The government's justification for doing so is that jobs will be created and economic prosperity will ensue. Yet when one looks at the situation we see that economic prosperity will not result from this bill, rather quite the opposite. Why do it then? Why put forward a bill of this nature when the alternative that is being put forward makes perfect sense from a legal and economic perspective?

Why will Mr Beattie not answer the letter written to him by federal Industry Minister, Mr Ian Macfarlane? All of these questions need answers, answers that I do not have, answers that have not been canvassed in parliament and, most importantly, answers that have not been given to the Queensland people.

Morning after morning we sit in this chamber and we hear a government that prides itself on issues of accountability. Well, we want accountability now. We want the government to tell us why it does not want to tell Queenslanders the real reasons for its actions. Maybe we should go and find Wayne Goss, a former leader of many members opposite, who supported the continuing of the lease in his time as Premier. Maybe he will tell us why his good mate Peter Beattie has decided to renege on this lease. Everything that the Beattie government supposedly stands for is squashed by first the intention and then the result of this bill.

The government says they stand for abiding by an independent umpire. It would seem this only happens when the ruling is to their liking. They say they stand for governmental accountability. Yet the arguments they have given make no sense at all, leading one to believe they are concealing something from Queenslanders.

For instance, why is it that the government was pleased to accept rent for the site up until last year, then all of a sudden had a change of heart? It makes no sense that all of a sudden the rent would no longer be accepted, yet for 13 years, six of which were under the current administration, the rent was collected as normal. It would make sense that if there was such an abhorrent failure under the lease surely at the first opportunity the lease would have been revoked. Instead this administration let it go on for six years until last year—yet another aspect of this bill that does not make sense.

Moreover, one would ask: why is this bill being pushed through this House today? The reason is that on the day of a federal budget this bill will not receive the scrutiny it deserves. Is the government trying to push something through parliament that the public may not like? The government says it is being a creator of jobs, jobs and jobs. Yet the result of this action will be less foreign investment in Queensland. Why would the government risk losing investments over just one lease?

This bill poses more questions than it provides answers. Moreover, these questions are not being answered by the government. Similarly, the majority of this bill simply does not make sense. So many actions do not match their objectives.

I conclude with this quote—

They are denigrating the proud institution of parliament. As I said, Mr Speaker, all they are doing is attacking the independent umpire.

This comment was in reference to the Speaker of this House, the independent umpire of this place. It was made by Mr Beattie on 5 October 2000. Let me change it for you, Mr Beattie—

The government is denigrating the proud institution of the judiciary. As I said, all they are doing is attacking the independent umpire.

Mr SHINE (Toowoomba North—ALP) (4.15 p.m.): As a member of the minister's backbench committee, I would like to make a short contribution to this debate.

The opposition was entirely predictable. On the one hand you have here an international mining giant, Alcan, and on the other the combination of the *Courier-Mail* and the *Australian*, that is the Murdoch press, and the National and Liberal parties. They are all in together and it is entirely therefore predictable and understandable why you have this vigorous opposition to the legislation coming from the opposition.

The opposition's shadow spokesman, the honourable member for Callide, alleged that the government's action in bringing in this legislation was extraordinary. My point is that it would be extraordinary if the government had done nothing about the existing situation. It would be extraordinary to let the matters rest where they are. It would be extraordinary to put the state to the exposure of unnecessary costs, and it would be extraordinary to put the people of Queensland to even further delay in terms of an obviously complex and likely to be lengthy piece of litigation with, no doubt, appeals going all the way to the High Court. You can envisage all of those things taking place over a very long period of time.

It would be extraordinary if the government, in light of all of the circumstances, were to do nothing. Some of those circumstances are the possible abandoning of the opportunities present with the Aurukun bauxite deposit, particularly in light of the current global shortage of alumina. As we know, in Aurukun there is a very high quality deposit of alumina. I pose the question, particularly to those who allegedly come from parties promoting free enterprise and business: is it proper for that to be left in the ground any longer?

In my submission to the House, the time is right to encourage the exploitation of these assets, particularly to obtain interest from overseas, for example, from China. The risk in not doing so is to risk losing a new refinery, to risk losing the opportunity for a key role to be played by the local indigenous community at Aurukun and, in short, to risk losing millions of dollars of investment to Queensland.

As has been said by a number of speakers already, and I will not labour the point, this original statute was passed in 1975 authorising the agreement between the government and the predecessors to Alcan. They were granted a lease of 42 years. But what is important is that the critical term in the lease, the very critical term, was that they would start construction of an aluminium refinery by the end of 1988. Sixteen years have passed and there has not been any construction towards that aluminium refinery.

Mr Lawlor interjected.

Mr SHINE: The honourable member for Southport says that it forgot. Whatever the reason, it would be extraordinary for any responsible government to allow any further leeway over and above the already extensive 16-year period. They are the simple facts of this situation. We have a tremendous asset that belongs to the people of Queensland. It is an appropriate time for it to be exploited. We are

dealing with a company and its successor that has left this resource in the ground for that time with no guarantee whatsoever of any worthwhile activity forthcoming in the future given its track record.

The minister explained in his second reading speech that by statute this agreement was commenced and by statute it will be extinguished. He has given the reasons that is appropriate. I refer members to the minister's second reading speech. Irrespective of that, as a matter of law one would argue that it was a fundamental and very clear term of the agreement or contract—whatever we want to call it—between the then government and the predecessor to the current lessee that the refinery would be built by the end of 1988. There is no argument about that. It has not done that. It therefore follows that the agreement has been breached and the matter should be at an end. The bill we are debating today is merely formalising the true facts as they now exist.

Reference was made to the moral arguments and how Queensland would be perceived overseas for enacting legislation when litigation is under way. The minister referred in his second reading speech to the matters dealing with the statute law. However, in terms of the pros and cons of this argument, I refer members to the very eloquent speech of the member for Cook given in this House this afternoon. He referred to moral aspects of this legislation.

He referred to fact that the original legislation was introduced into this House in the middle of the night to defeat proposed federal government legislation. It was snuck in here to defraud the Aboriginal people of Aurukun. These were the sneak tactics of the then coalition government. Today the opposition relies on moral grounds for opposing this legislation.

This government and preceding governments in Queensland over the last couple of decades have shown extraordinary patience dealing with this lessee. What is proposed is that the rent that has been paid will be given back with interest and that reasonable costs will be paid. There is no reason for the government to in any way feel that it is not complying with any moral obligations towards the current lessee.

In the last sittings there were grounds to believe that the Liberal Party was adopting an attitude of responsibility and favouring progress of the state through its attitude to the vegetation management and sugar reform legislation. The Liberal Party was going well. Unfortunately, that has not lasted. We see it again supporting the National Party in the interests of Alcan and following the dictates of the Murdoch press.

The honourable member for Moggill gave all sorts of excuses why the lessee could not in the 29 years fulfil the very fundamental and basic obligation under the agreement that was enacted by the original legislation. He referred to Wik. He referred to low prices. What a way to run the state of Queensland—that is, to let things go for that time. Finally, he ended up with a conspiracy theory, which would outdo the previous member for Lockyer, in comparing the motives of the government to some activities of former Prime Minister Mr Keating.

The honourable member for Warrego also took the view that the actions of the government were extraordinary. He came up with a different conspiracy theory. His was that it is all a plot to finance the Australian Labor Party. He did not bore us with providing any evidence, as is his usual habit. If he throws enough mud I suppose some sticks. The honourable member is nodding in agreement. That is the usual modus operandi.

If there is a conspiracy theory, I ask members to look at why is it that the Murdoch press, why is it that the international mining companies and why is it that the conservative parties here today are all of the same viewpoint? The honourable member for Gregory said he was concerned about what type of Queensland was being presented overseas. What sort of image would be presented overseas, what sort of view would overseas companies and people wanting to deal with Queensland take of this state government if it let this go for 29 years and continued indefinitely with an organisation that had a lease agreement and failed to undertake their fundamental obligation well over a decade ago?

In my submission to the House, I say that what the government is doing is proper. It is providing for an ordered and responsible approach to the development of Queensland. Finally, the honourable member for Caloundra referred to clauses 14 and 17 and struggled to put a submission to the House that the wording of the *Alert Digest* for clauses 14 and 17 somehow or other assisted the opposition's position today. All the Scrutiny of Legislation Committee said was that it was not in a position to comment and that it was a matter for parliament to decide.

Somehow or other that was supposed to amount to a rejection of the government's approach. I suggest that the honourable member would have to dig further before he would in any way be able to represent an argument of any worth to persuade any reasonable person in this House. I commend the minister and the government for this legislation. It is well and truly high time that this most unacceptable and abhorrent position was rectified.

Ms LEE LONG (Tablelands—ONP) (4.28 p.m.): I rise to speak in the debate on the Aurukun Associates Agreement Repeal Bill 2004. Here we have the Beattie government legislating to short circuit well established legal systems for the simple reason that it wants its own way and wants it now. If the situation is as the minister described it, the government should have proceeded with the normal

legal process confident it would easily win the case against Pechiney. If the situation is not as it has been described then that would have become apparent during the legal process and justice, if not the wishes of this government, would still have been seen to have been served.

This bill strikes me as actually following in the footsteps of another bill brought into parliament last year—that is, the Land Legislation Amendment Bill. Under that bill legally held mining leases over a section of sand dunes in Shelburne Bay were seized by the Beattie government. The leaseholders met their obligations. The resource, silica sand, was of enormous value to Queensland and the dune was and still is in the process of blowing into the sea.

Yet for its own political purposes, the value of the minerals, the job creation and the investment potential were all thrown to the winds. What do we hear today? That yet another lease needs to be taken by legislation because of the value of the minerals in it, because of the job creation and because of the investment potential it represents.

The only consistency seems to be that this government will do anything, including short-cutting its own justice system, to get what it wants. Actually, there is another point of consistency. In his second reading speech on the Land Legislation Amendment Bill on 25 March last year, the minister said amendments to take back those leases 'should not, and will not, create a precedent for the future'. In his second reading speech for the Aurukun Associates Agreement Repeal Bill on 20 April this year, the minister said—

I want to make it very clear to this House that this legislation sets no precedent.

It sounds very similar, does it not? Perhaps it does not set a precedent, but it certainly is a very clear trend, a signal sure to deter investors from the mining sector in Queensland.

It seems that we can expect this government to never set a precedent for anything, or at least never recognise one. And why should it when it is clear that it will instead simply find unique circumstances any time it wants its own way? I am not arguing against the development of Queensland. What I am saying is that it can only happen in an environment when investors and the government are both equally bound by the laws of the land and the administration of those laws by the judiciary. This bill is neither fair nor just and, in that light, it is the Beattie government duping Queenslanders and no-one else.

Mr WELLINGTON (Nicklin—Ind) (4.30 p.m.): I rise to participate in the debate on the Aurukun Associates Agreement Repeal Bill. I have been listening intently to all of the speakers' contributions to the debate, and I thank the member for Cook and the member for Gregory for their assistance in providing me with a brief but concise history lesson on the background to this matter which does not appear in the printed material. I must say that during the debate I was initially persuaded to support the view that, as this matter is currently before the courts for determination, we should let the matter be decided to finality by the courts. I also say that I am not convinced that the government would win the current court proceedings, and I do have a concern that at the end of the day the government may have been found wanting when it was finally decided—if it had gone to finality. But be that as it may, we are now debating a bill which will override those court proceedings.

During the lunch break, I took the liberty of reading the excellent research brief which was prepared by the Queensland Parliamentary Library. It is headed 'Injurious Affection: The position in Queensland After Marshall and Under the Integrated Planning Act 1997'. The Marshalls actually live in my electorate. The battle between Mr and Mrs Marshall—two Queenslanders—and the Queensland director-general of Transport ended up in the High Court. Who won? It was not the Queensland director-general; it was Mr and Mrs Marshall. During reading this research brief, I was thinking about the cost that Queenslanders had to incur in terms of money spent in pursuing this matter through the courts. By way of comparison, if this matter was to go to its final end in terms of the current proceedings which prompted this bill we are debating at the moment, how much of Queensland taxpayers' money would have been allocated and spent on it? Quite frankly, I would have preferred to have seen that money spent on hospitals, police and teachers in my electorate of Nicklin. The area is growing so rapidly that it simply cannot cope.

I do believe that we should allow the courts to be the final arbiter. But, at the end of the day, parliament has the power to override the courts. If it is the case that we allowed the current court proceedings, as the Nationals and Liberals are saying, to proceed until the end, is this matter also going to end up like the Marshalls in the High Court? How much money are we proposing the taxpayers will have to spend in pursuing the litigation because, for whatever reason, the government of the day does not like the result? I certainly do not want to see taxpayers' money wasted and wasted and wasted on unnecessary court proceedings. If the government of the day is of the view that it wants a certain result, let the government tell Queenslanders what that result is.

Whether we like it or not, today we are debating the current Queensland government's view on where this matter should go. I like to see matters resolved as quickly as possible. Whether we like it or not, let us move forward. I will be supporting the bill because I do not want to see Queensland taxpayers' money wasted on unnecessary litigation. We certainly do have to have justice in this state, but we need

to be honest and we need to be up-front. If the government does not like the way things are going, let us bring it to a head so we can take a new direction. I will be very interested to listen to the minister's response to the comments made by my Independent colleague the member for Gladstone. I hope the minister will take time to respond to those specific questions that she asked him, because I am also very interested in hearing his response. I certainly look forward to listening to the debate on this matter if it goes into committee. I commend the bill to the House.

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources, Mines and Energy) (4.35 p.m.), in reply: First of all, I want to thank government members for their contributions. If I can single out one member in particular it is the member for Cook for his very thoughtful contribution. I also know that in his contribution the member for Toowoomba North went back into history and talked about the experiences of the Wik people in the seventies. I thought that that was very instructive and very useful.

I thank the member for Nicklin for his indication of support. We can only agree with his view about the expense that we would expect to incur should legal action continue, as he quite rightly points out, potentially up to the High Court. I appreciate his view that we should not waste money on lawyers. Of course, that view may mean that he may never be able to practise as a solicitor ever again, but I am sure he will get over that hurdle.

I want to mention the contribution of the member for Tablelands, as unique as it usually is. If I could just indicate this to the member for Tablelands with respect to her views about the nature of this act: I note that she had no problem in supporting the government when it repealed the Irvinebank State Treatment Works Act—a very similar process to that which is going on here. I am not going to be uncharitable enough to suggest that the reason that the member supported the previous action by the government to repeal the Irvinebank State Treatment Works Act was because it was in her own electorate and this one is not. I am sure that that has not swayed her mind whatsoever. But I do make the point that there is somewhat of an inconsistency in her view about the action that we are taking here today and the action that she supported when we repealed the Irvinebank State Treatment Works Act.

I turn to the major contributions by the opposition, and in those terms I will deal with the issues introduced by the member for Gladstone. I should commence these comments by saying that the Queensland government very much values the contribution that Alcan has made in Queensland over many years. It is a good company. It has got the runs on the board, as members have indicated, and we hope that Alcan will continue to be a very strong contributor to the Queensland economy. But that does not sway us in terms of what we are trying to achieve here by repealing this legislation for this simple reason: our very strong legal advice is that the leases that underpin this act, the Aurukun Associates Agreement Act 1975, only exist for the purpose of surrender because Pechiney and its predecessors have not abided by an act of parliament as distinct from ordinary mining leases.

We are talking about an act of parliament here. It disappoints me that none of the members opposite seem to have understood the difference and, worse still, appear not to have actually read the Aurukun Associates Agreement Act 1975. If they had read the act, then they would have come across a couple of really interesting clauses—interesting clauses that go to the requirement of the holder of the leases to give up those leases if they do not abide by the provisions of this act which are quite detailed. I have to say that it would be unlikely that members would see an act like this in this parliament, irrespective of who was in office, in this century.

It is an extraordinary piece of legislation. I have described it as a Bjelke-Petersen special. The fact that none of the members opposite turned their minds or bothered to actually read this act is a major flaw in a lot of their arguments that they put before the House today during this debate. As I said, had the members opposite read this act, they would have come across an interesting clause, clause 14(4), which states—

> If on or before the thirty-first day of December, 1983 the Companies either by themselves or in conjunction with any of the other persons referred to in subclause (2) of this clause shall not have commenced the construction of the refinery there referred to, the Companies—

and I hope all the members opposite are listening—

> shall surrender the Special Bauxite Mining Lease and this Agreement shall as from such date be of no force and effect whatsoever and subject to the provisions of clause 19 of this Part and without prejudice to the rights of either the Companies or the State pursuant to any antecedent breach or cause of action neither the Companies nor the State shall have any claim against the other with respect to any matter or thing herein contained or implied.

This is an act of parliament. This is a creature of this parliament and it is this parliament that determines its fate. So let us stop this nonsense that the members opposite have been carrying on with about the role of the Supreme Court. The role of the Supreme Court would be enlivened as the appropriate jurisdiction if the only thing that existed were the leases. But we are dealing with an act of parliament that says quite clearly in that particular clause and in that particular subclause—subclause 14(4)—that even, dare I say, a dentist could understand, 'If you don't build a refinery by 1983, you give up the lease.' Therefore, that is why we say that these leases exist only for the purpose of surrender.

We made that point to Alcan. We respect their view and we respect the submission that they presented to us to spend—what was it—15 million bucks on a feasibility study. We tried to explain to them that the leases in fact do not exist. They exist only for the purpose of surrender. It was a point that we made to Pechiney. They objected to it. So when the Premier wrote to them, as is required under this legislation, asking them to surrender those leases, they refused, which is why we had to take Pechiney to court to get them to surrender those leases. That is the legal action that was taken.

It became clear to us, through further action taken by Pechiney and now Alcan, that this matter was not going to be determined quickly—that it was going to be appealed, that it was probably going to go all the way to the High Court. I will paraphrase what the member for Nicklin said: that is clearly not in the state's interests. We have better things to do than fill the pockets of lawyers in fighting this action. As a parliament, we have the right to determine the future of this act of parliament and that is what we are doing here today.

In the course of this debate, there were a number of unfortunate presentations. Of course, one of them was from the member for Warrego, but we have got used to that over the years. But the other presentation was from a new member of this House—the member for Moggill—who quite disgracefully impugned the reputation of the Minister for State Development and Innovation. Despite the Minister for State Development and Innovation refuting them quite strongly and openly in this House, those allegations were then repeated by another new member, the member for Surfers Paradise.

I say to the beach boys that they do themselves no favours coming in here impugning the reputation of other members of parliament. If I were to give them any bit of advice, I would suggest that they use this place with caution. If they are actually going to make a real contribution to debate in this place, they should base it on substance, not rumour. They should not base it on 'City Beat', or whatever else the *Courier-Mail* might say; they should base it on fact. As the Minister for State Development and Innovation said quite correctly, if they had an allegation to make against him, they should have seen him first. They should have seen if what they believed to be true was in fact true before they made that allegation. It was quite clear that Aldoga did not travel to China with the Minister for State Development and Innovation. To that extent, there is no deal.

A lot of members opposite have suggested that there is a hidden agenda happening here. There is no hidden agenda. We are trying to set up a process that will be of maximum benefit to the people of Queensland. Once this matter is finalised, we can get on and do what we have always said that we wanted to do and that is put it out to international tender, which Alcan, of course, would be more than welcome to participate in, just as the Chinese would be, or the Russians, or the South Africans, or the Europeans, or the Americans, or the Canadians. Everyone will be welcome to participate in an open and transparent process through an international expression of interest that will guarantee that Queensland maximises its return on its resources.

The people of Queensland have a rightful expectation that their resources will be developed to their maximum extent for the maximum benefit of Queensland—so that the appropriate returns can be given back to the people of Queensland, so that we can build more schools, police stations, roads and infrastructure and provide the services that we need. That has not happened, and that has not happened since 1975.

I did a quick calculation. Again, if the members opposite had bothered to read the provisions of the agreement, they might have done a bit of maths. In earlier clauses, the rent that we would have received is mentioned, as is the requirement of expenditure by Pechiney and its predecessors. The agreement talks about royalties. I just did a quick calculation in terms of the basic works that Pechiney would have been required to invest in Queensland by an act of parliament. To date, we have missed out on $75 million. That is just in terms of expenditure. That is not including royalties. That is just expenditure on the ground. That is $75 million that the western Cape York communities have missed out on. That is $75 million worth of jobs that they have missed out on.

We say that it is time to stop the farce, to put the past behind us and move on. To that extent, the members opposite also spoke about the frustration of Pechiney in having to deal with native title. Again, I know that those members are new in this place, but if they are going to participate in a debate in this place, they should at least come in here with a bit of knowledge of what they are going to talk about. Native title is not an issue. From the mid-1990s, native title refers to future acts. If there is to be development on land where there are native title interests, then that development must consider the rights of traditional owners of the land. This act preceded native title by some 20 years. It was a pre-existing right—an existing right given by the then parliament. Native title was not a frustration. It never was a frustration; it never would be a frustration

Mr Seeney interjected.

Mr ROBERTSON: At times I try to help the member for Callide.

Mr Hobbs interjected.

Mr ROBERTSON: I would have thought that a former Minister for Natural Resources, albeit a failed one, would have at least spent enough time in the job to understand the basic principles of native

title in this state. But clearly, that is not the case. This act is not a future act—unless the members opposite suggest that by taking this action, we have suddenly enlivened native title for any future applicant for these leases. That would not be any different from the existing circumstance that we would be faced with. As I said earlier, these leases exist only for the purpose of surrender. So even if—

Mr Hobbs interjected.

Mr ROBERTSON: Will the member please not interrupt. He will have his chance during the committee stage. Even if we were to suddenly say to Alcan, 'You are our preferred developer of these leases,' we would not be able to use the existing leases because they have exhausted themselves. They exhausted themselves back in 1989. We would have to issue new leases to Alcan, which would enliven native title. That is where native title cuts in. It is about future acts. So it is a nonsense to suggest that that has been a matter of frustration for Pechiney in developing these leases.

I note the other fallacy put forward by the member for Moggill, that the worldwide demand for alumina or bauxite has been less than flash over the last number of years and that only two refineries have been built in the world in the last 20 years. I had one of my staff do just a bit of very basic research. They went to the Australian Mineral Economics site, which lists 10 refineries that have been built in the last 20 years—two in Australia, two in Brazil, one in India, four in China and one in Iran. Again, the member did not get his facts right. Basic research would have shown that the alumina market in the world has been chugging along okay over the last 20 years, so much so that at least 10 new refineries have come on line, not two.

In fact, at the same time Pechiney was saying to us, 'Woe betide us', 'The world market is crook', 'It is not a good time for investment', et cetera, it was building another refinery in South Africa. That is how crook the world market was! It could not build a refinery in Queensland in accordance with an act of parliament, but it could certainly build a refinery in South Africa. Methinks there may have been other considerations going through the minds of Pechiney executives in a way that really was not in the interests of the people of Queensland in developing this very valuable lease.

The time has come for this parliament to stand up for the interests of Queensland. Those interests are best served by us going out to open and transparent international expressions of interest to find out how we can maximise the benefits of this very valuable resource for the people of Queensland and how we can maximise the benefits of this resource for the people up in the western cape, who have missed out for now some 30 years on the benefits of developing minerals on their traditional land. That is what we are doing. There is no other agenda. There is no winner picked, irrespective of what members opposite may suggest. There is nothing hidden here. We are being quite open and transparent. Once this bill passes we will be able to then develop the necessary terms of reference for the international expressions of interest, and it will go out there.

People have spoken about sovereign risk, that this sends a bad signal to the industry. It was so bad a signal that we sent to the industry that within days of our announcement in October last year my office took 13 phone calls from companies interested in how they could participate in this international expression of interest—13 companies. That is how bad a signal we sent to the worldwide minerals industry. That is the extent of the sovereign risk we have introduced into the development of resources in this state. Thirteen!

I have met with the Queensland Resources Council. I have heard what it has to say. I also know that many members of the Queensland Resources Council have mentioned to me how glad they are we have taken this action because, for the first time, we might actually be getting serious about taking control of our resources and developing them for the benefit of the people of Queensland. I commend the bill to the House.

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

AYES, 60—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Briskey, Choi, E.Clark, L.Clark, Croft, Cummins, N.Cunningham, English, Fenlon, Finn, Fouras, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lee, Livingstone, Lucas, Male, McGrady, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Pitt, Poole, Reeves, Reilly, Reynolds, N.Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, C.Sullivan, Wallace, Welford, Wellington, Wells, Wilson. Tellers: T.Sullivan, Nolan

NOES, 25—Copeland, E.Cunningham, Flegg, Foley, Hobbs, Horan, Johnson, Knuth, Langbroek, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, E.Roberts, Rowell, Seeney, Simpson, Springborg, Stuckey. Tellers: Hopper, Malone

Resolved in the **affirmative**.

Committee

Hon. S. ROBERTSON (Stretton—ALP) (Minister for Natural Resources, Mines and Energy) in charge of the bill.

Clause 1—

Mr HOBBS (5.02 p.m.): The minister has stated that he has had consultation with the Department of the Premier and Cabinet, Queensland Treasury, the Department of State Development and Innovation, the Department of Justice and Attorney-General, the Department of Transport, the

Department of Local Government, Planning, Sport and Recreation, and the Environmental Protection Agency. The director-general of the Department of Education and the Arts was also consulted in his capacity as community champion of the subject indigenous community. Can the minister explain to this chamber why he could not consult with the company concerned or with the Mining Council?

Mr ROBERTSON: I in fact met with Alcan prior to this matter going to cabinet. Whilst we did not speak specifically about the action, we nevertheless reaffirmed our commitment to go down the path of ensuring that we were able to go to international expressions of interest. But we reserved the right, because it was a matter going to cabinet, to allow cabinet to consider the matter as we did.

Mr HOBBS: Is the minister saying that Alcan did not know that legislation would be drafted? He said that he spoke to Alcan in general but there was no indication from the minister that this legislation would be before the House today.

Mr ROBERTSON: We did not speak specifically about this legislation, no.

Clause 1, as read, agreed to.

Clause 2, as read, agreed to.

Clause 3—

Mr HOBBS (5.04 p.m.): A while ago in his summing up the minister mentioned that anyone who had read the lease would have seen the conditions that were there, and that is the basis on which he has resumed the lease. How many other leases has the minister resumed or acquired in his term as minister under similar conditions?

Mr ROBERTSON: I have made the point during the debate that this is quite different from the normal run of the mill leases. From memory, there are very few cases where there is an act of parliament specifically governing the conditions of a lease. This is an extraordinary piece of legislation—one I would suggest that would not be repeated these days irrespective of who is in office; it does not meet contemporary legislative standards. This is a unique set of circumstances that we are faced with. I made that point during the second reading debate.

Mrs LIZ CUNNINGHAM: I thank the minister for his reference to the actual contents of the act that established this agreement. The minister cited section 14(4), which says that unless—and I am paraphrasing—a refinery is developed by 31 December 1983 the leases would cease to have effect. Without disputing what is written in the act, it would be reasonable for a company—whether it was Pechiney or, more recently, Alcan—to look at the history of that lease; that it voided the conditions of the lease by not complying with the conditions in the early eighties. However, it would also have to take into account that the government—and it went across parties—continued to accept lease payments, that there appeared to be no action on the part of the government to cancel those leases or to take action to further deal with those leases. Pechiney or more recently Alcan—and that is the group I am concerned about, only because it appears not to have had a sufficient amount of time to act on the resource—would believe that the government's inaction was an indicator of its attitude toward that resource and the activity or lack of activity of the leaseholder in relation to that resource. It could have established a sense of comfort from the fact that for 20 years no action had been taken by the government of the day. I just put that comment on the record because I believe it is something that needs to be taken into consideration in relation to the attitude of this government in the pre-emptive action it is taking that disadvantages Alcan.

The other question that I wanted to ask the minister about in relation to clause 3 is that, if the lease is cancelled, how can the government give comfort to other entities which have agreements with this government—agreements that may not have been activated for varying reasons? What comfort can the other entities have that they will not be dealt with similarly?

Mr ROBERTSON: Probably the best way I can respond to the first question asked by the member for Gladstone is that there are some similarities with how we determine the ongoing validity of other mining leases. In the four years that I have been Minister for Mines, I have taken a very consistent approach, and I make no comment about previous governments or previous ministers, but it has been my very determined view that how we deal with leaseholders—in this case, mining leaseholders—is consistent. That is, mining leases usually have attached to them a work program.

There is an obligation on the leaseholder to, for example, expend X amount of money in the first, the second and the third year of a mining lease. Similarly, there is a responsibility on them to pay rent on that lease and, where you talk about developed leases, pay royalties as well.

We have a practice, and again a very transparent practice in my department, that determines whether leaseholders are in breach of the conditions of their lease. They are given a number of warnings over an appropriate period of time, they are asked to meet with officers of my department to discuss how that lease is going, but at an appropriate stage where it is clear that the leaseholder is not abiding by the terms of the lease, based on best endeavours by my department to ensure compliance, then we go down the process of forced surrender.

That has been a process that has been applied consistently in the time that I have been Minister for Mines in this place. At the end of the day, what that means is that from time to time you get people who do not do the right thing. They actually sit on a lease, they sit on the people's resource, and they do not develop it for whatever reason. Some of it can just be economic; they cannot raise the cash or what have you. But after an appropriate period of time, if they do not abide by the conditions of the lease, then they are forced to surrender it, the principle being that we as a government want that lease and that resource, the people's resource, to go to someone who will develop it so that the people do get a return on their resources.

As I said, and it is no reflection on previous ministers or previous governments whatsoever, I have a very determined and consistent policy of ensuring that lease conditions are abided by and, when they are not, an open and transparent process that may ultimately lead up to the forced surrender of that lease. We basically shake them up a bit and let them know how fair dinkum we are in terms of their requirements to abide by the conditions of the lease. I believe that that is responsible action being taken by the minister of the day and responsible action being taken, most importantly, by my department.

I have, I think, covered the matters in relation to the second question. What I have been determined to put in place in the time I have been in this chair is that everyone knows what the rules are. There are no deals, no favours, nothing like that. The processes are such that people know that they will be dealt with with a straight bat by my department. The people of Queensland expect nothing less from the minister responsible for resources in this state.

Mrs LIZ CUNNINGHAM: I thank the minister for his reply. The only question in my mind then is that it cannot be denied that Pechiney, in the time that they had the leases, failed to take action, as perhaps did companies before Pechiney, which is before my time. However, in December last year, in a hostile takeover, which was not something that Pechiney, I am sure, enjoyed, Alcan took possession of Pechiney's assets and resources.

Alcan indicated that they were prepared to take action to activate the resource and to start activity on the resource on the basis of a feasibility study. Could the minister clarify what the barriers were in his mind to allowing Alcan a short amount of time to do a feasibility study with a caveat, including a date that activity had to occur?

Mr ROBERTSON: It gets back to the point that I made in my summary. The very strong legal advice that I have—and I think one of the members of the Liberal Party challenged me on this—not only from my department but also from Crown Law is that the leases only existed for the purpose of surrender. It was not open to us, and it would have been irresponsible in some respects, to allow Alcan to spend $15 million of their money on a feasibility study when the leases only existed for the purposes of surrender. They are, if you like, null and void or just a shell of what they used to be.

I have to say that during that hostile takeover one would have expected that there would have been a degree of due diligence undertaken by Alcan. I do not know what the results of that due diligence would have been and I do not know the circumstances of how hostile the takeover actually was, but I would have assumed that they would have done some due diligence in relation to the status of these leases. That is a matter for the company, but that would seem to be ordinary and responsible business practice.

Mr HORAN: The minister said that the leases only existed for the purposes of surrender, therefore the government could not proceed to, if you like, do business with them as they suggested where they were going to pay the $15 million and wanted to continue with it. But the minister has come in here and put in place legislation to cancel that lease. The minister could have just as easily come in here and extended that lease by legislation in the same way that he has cancelled it. That would have allowed the government to continue to do business with the company on the basis of the $15 million they were going to spend in the feasibility to prove their bona fides in going ahead with development of the lease now they had taken over the company and it was a new organisation at the top.

Mr ROBERTSON: As I was explaining to the member for Gladstone, leases are sometimes cancelled as a result of frustration—that is, the terms of a normal mining lease have not been abided by on the part of the holder of the lease, for whatever reason. The Mineral Resources Act actually does not give discretion to the minister. If a holder of a lease has not paid their rent for five or 10 years and we have been through the process of notification, of trying to encourage them to pay, and finally we have got to the stage where we have sent them the letter saying, 'You now have to surrender the lease', if they then turn around and say, 'Sorry, we have actually now got the money for the back rent and we are prepared to pay it', it is actually too late. Once you have determined that that lease will be cancelled, it is gone. Sometimes they are hard decisions to make, I have to tell you. Some of the stories that come across my desk as to why something did not happen—and I am talking about the smaller end of town—it is tough. You obviously want to help, but you are constrained by your own legislation.

In this case, because the leases were now just a shell—as I said, they existed only for the purpose of surrender—the dilemma we faced was that in then negotiating again with Alcan to somehow

reinvigorate those leases would have given a priority to Alcan that we may quite rightly have received criticism for. We may have in fact been picking a winner which was not in the state's interests. There would have been an expectation that if the leases no longer in fact existed we would go out to tender, as we do ordinarily through the Mineral Resources Act.

So the determination was made—since the leases had, in fact, no effect back in 1989—that it was cleaner, more transparent, more appropriate and in the interests of Queensland that we go to international expressions of interest, which Alcan would have a right to participate in. That was the determination we made. This is not dissimilar to what we do on a fairly regular basis with other mining leases that are not supported by such extraordinary—in inverted commas—legislation. So to that extent it is not all that different.

Mr HORAN: I understand what the minister is saying, but I make the point that this is quite an unusual case. What the government is really trying to do is validate something that has not been validated for the past 16 years. Since 1988 the department or the government of the day has been dealing with this organisation through various meetings, representations and so forth.

The government is now saying that we are going to wipe this all out as if it did not exist. That will cost taxpayers over half a million dollars plus the Supreme Court costs to pay it all back. Apart from the fact that we have argued that it is not right to come in here and crash over the top of a court case with legislation, it would seem that the government could, in the best interests of Queensland, have simply stopped the court case by mutual agreement.

Mr Fouras interjected.

Mr HORAN: There is a chairman here. You are not in your seat.

Mr Fouras: I'm in my seat.

Mr HORAN: The member's new seat. As well as saving money, the government may have saved one and half to two years in going to tender and all that has to be done because this other organisation was in place and ready to do it. The government could just as easily have validated it by legislation and stopped the Supreme Court, got things started and perhaps be one and half to two years ahead with a company that has held the lease for so long and has a proven track record in Queensland of being able to put in place major refineries and employ a lot of staff.

Clause 3, as read, agreed to.

Clause 4—

Mr HOBBS (5.21 p.m.): This clause relates to the fact that the agreement has had no force and effect since 31 December 1988. Could the minister advise whether Alcan or Pechiney met with the Premier in relation to this issue before this legislation was introduced into the House?

Mr ROBERTSON: I have no knowledge whether or not a meeting occurred.

Mrs LIZ CUNNINGHAM: The minister has touched on the native title issue. On the basis of this legislation any new applicant for the lease will be required to undertake the full native title process; is that right?

Mr ROBERTSON: That is right, because it would constitute an act post 1996. But that would have been the case if we had have issued new leases to Alcan. It would come under that future act. We see that that is a good thing, I have to say. It will provide the opportunity for us to right some pretty substantial wrongs with the Wik people or the people of the western cape through this process.

Clause 4, as read, agreed to.

Clauses 5 and 6, as read, agreed to.

Clause 7—

Mrs LIZ CUNNINGHAM (5.23 p.m.): This clause absolves government from any compensation. A community member who has a keen interest in development and mining—but I do not think he is involved in mining—put a scenario to me. As the minister knows, Queensland Alumina's management is in negotiations concerning Kaiser's interest in the company. It has the potential for the ownership of QAL to come under the control of Alcan or Rio Tinto. Until the point in time of this legislation, Alcan was of the opinion that it had access to the resources at Aurukun. This gentleman's words were that the Weipa resources belong to Comalco. Therefore, it has the propensity for putting two refineries, both in my electorate, at odds with each other in terms of the origins of their resources.

It brought into sharp focus the quantum of loss that Alcan may face as a result of this legislation. This legislation may absolve government from any obligation to pay. The government has been strong, and rightly so, on the creation of employment in Queensland. My area is one that is heavily developed, particularly as far as primary processing is concerned and secondary processing in terms of the aluminium ingots is concerned. Can the minister see a situation arising where two companies potentially become rivals and that one—Alcan being the company in question—could be significantly

disadvantaged if it has to resource its bauxite from Weipa because it will not now have access to the Aurukun bauxite?

Mr ROBERTSON: No, simply because the mining leases that are currently being worked in Weipa, Ely and Andoom are held by Alcan. It subcontracts to be mined by Comalco. It still holds a significant resource on the western cape.

Mr HOBBS: This clause deals with compensation. What would be the difference in the value of the resource in December 1998, which is when it virtually finished, and now?

Mr ROBERTSON: Pass.

Mr HOBBS: This goes to the crux of the whole issue. Surely the department should have and would have done some sort of assessment of what it is dealing with. It is going to court. There is a possibility that if the government had lost the company opposing it would have said, 'This is what the asset was worth at that particular time.' Can the minister give us a ball park figure?

Mr ROBERTSON: I could tell the member what its estimated worth is now. Obviously, I cannot tell him what it was worth back in 1989, 1983 or 1975, but estimates are that this lease is worth between one and half and two billion dollars to the people of Queensland.

Clause 7, as read, agreed to.

Clauses 8 and 9, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Bill, on motion of Mr Robertson, by leave, read a third time.

BUILDING AND CONSTRUCTION INDUSTRY PAYMENTS BILL

Second Reading

Resumed from 18 March (see p. 72).

Mr HOPPER (Darling Downs—NPA) (5.30 p.m.): I would hope that the minister pays attention to what I am about to say as he is not in the chamber at the moment and I have done a darn lot of work on this. Today I rise to speak on the Building and Construction Industry Payments Bill 2004. I must say that the more one has to do with this industry, the more one questions whether there is ever a light at the end of the tunnel. I have quite often heard people talk about Noah and the ark, maybe insinuating that Noah, too, had variations with his sons after building commenced. But I have also heard people say that the ark was built by amateurs and the *Titanic* was built by professionals. Let us hope and pray that divine intervention will be the strong partner of the amateurs forever.

Similarly, I must say that divine intervention is required to ensure that every player within the construction industry gets paid in full what is rightfully their share. I have shadowed the current minister for most of the last term and certainly know that wisdom comes through listening and learning, continual hard work and a willingness to acknowledge and digest the sound advice given along the way. All members in this House know of my enthusiasm to ensure that all contractors and subcontractors get paid—an issue this legislation is attempting to address. However, I am happy to acknowledge that to completely secure payment for all participants within the construction industry is a very big ask. Nevertheless, all honourable members should never, ever admit defeat on this issue. To do so goes against the grain of the Australian ethos where we accept and expect a fair day's pay for a fair day's work. Whether a fellow is a ringer or a brickie, they deserve recognition of their labours and they should be valued and paid their worth.

That was not the case, however, with regard to the construction of Suncorp Stadium. Its design and construction procedures left a lot to be desired, and I know that I certainly would have handled the design and construction of Suncorp Stadium very differently from the way the current government did. The pressure that this government and in particular the Minister for Public Works, Housing and Racing put on all those involved with the construction was, to say the least, immense. If this bill had been in place then, I hope it would have helped the subcontractors to get paid.

The disputes that are still taking place are simply caused by the time limits put on this job by a government in a terrible hurry to complete this stadium in time for a football game. Do not get me wrong; I have attended games at this stadium and it is undoubtedly a world-class venue. I just think it is very sad that there are some contractors out there who are in the middle of a major dispute involving millions of dollars. Sun Engineering has been in the construction industry in Queensland for over 20 years and has employed up to 270 staff at times. It is now down to 100 or less. These are the sorts of builders and businessmen we need in Queensland. They should be encouraged and not destroyed.

On a more positive note, let me say that it is pleasing to see the minister making an attempt to address some of these problems involved with industry payments. No doubt it will be a big ask for the minister, but I will support any attempt to resolve these disputes or lessen the frequency of dispute. I will be very interested in the minister's response to see if he covers the concerns that I have with different sections of the bill which I will explain later in my contribution. If not, I will be pursuing those issues in debate on the clauses.

The first part of the bill that I want to touch on relates to progress payments. This is a step in the right direction. From what I can see, the minister is presenting progress payments not only for work that has been done by the subcontractor but also for materials supplied for the job. A judgment on a minor dispute or even a major dispute and payments arranged by the said process will no doubt provide some security to the wellbeing of all concerned. It will not only allow the job to be finished but will also speed up the whole process and provide some sort of security within the industry. I must say that it would be foolish not to welcome this part of the legislation.

The introduction of an independent arbitrator is good, and I simply say that there must be strict criteria involved for anyone taking on this position. The independent arbitrator will, from what I understand, be able to make quick decisions to resolve disputes within the construction industry. After these decisions have been made, progress payments will be put in place that will allow jobs to continue and help to reduce the lengthy stalemates. Because of the domino effect down the contractual chain, this will also be an advantage to those below the disputing party or parties. Hopefully, this will help to put an end to the restricted cash flow so often experienced and, in some cases, often resulting in insolvency.

The explanatory notes say that the adjudication process will cover all forms of construction contracts, whether in writing or verbal contracts, other than contracts for the carrying out of a domestic building where an ordinary resident owner is a party to the contract. Maybe the minister could explain later why this is so. Why does a resident owner not come under this category? Contractors working for the builder will be able to use the process if the builder is not paying, but the builder is vulnerable to the domestic owner not paying without being able to use the rapid adjudication process.

A user pays system is to be set up and the Queensland Building Services Authority will provide registered services for the adjudication process. It will be responsible for registering the independent adjudicators. I would ask the minister to explain what would be the criteria one would have to meet to be able to fill this position, who will be the authorised nominating authority and who will select these people? It will be vital to the success of the process that the authorised nominating authorities and the adjudicators be totally neutral. I do not see any clauses in the bill which make provision for disciplinary action to be taken if the decisions are not impartial.

I now return to a couple of issues I was going to touch on before. In the second reading speech, under the heading 'Consultation', mention was made of the extensive consultation that was undertaken with industry stakeholders throughout Queensland. This included a statewide series of meetings with relevant stakeholders. The reason I mention this is simply that I have met with a number of people who attended some of these meetings. In fact, two years ago the BSA conducted roadshows all over Queensland to explain the aspects of this bill to builders and subcontractors. However, the bill has now been presented and does differ somewhat from the presentations made at that time. I now want to explain the aspects of this bill that have been brought to my attention which differ from what was explained at those roadshows.

There are certain aspects of this bill which are contradictory to the discussion paper used at the roadshows in February and March 2002. For a start, in the discussion paper used at these meetings, the Subcontractors' Charges Act and rapid adjudication were to be used together to complement each other. This bill is now contradictory to that advice, as the subbie has to choose only one process. Also, the retentions from subbies were to be held on deemed trust by the building contractors to safeguard against the builder becoming insolvent. There is no mention of this in the bill. At no time was there any mention or indication that section 67H of the QBSA Act would be omitted or that the set-off clause, section 67J, would be amended. To say the least, it is simply not surprising that this sort of thing is happening. It is a case of 'try to keep them happy but don't reveal all you know'. It is a case of 'let's hope they don't realise what we're up to'.

There are a lot of negative aspects of the bill which, in a very brief summary, I will try to explain. Subcontractors are denied the use of the Subcontractors' Charges Act, allowing them to put on hold moneys owing while awaiting a decision under the rapid adjudication process. Under the payments bill, they must opt for one process or the other. If the subcontractor chooses to make application for adjudication and it is the last payment for the project and the application is made under section 22(1) (b) of the payments bill and he follows time frames set out under sections 22 to 25 of the bill, he may be denied placing a charge on moneys owing. He may be denied the use of the Subcontractors' Charges Act as the charge must be placed within three months of completing work on the site and the adjudication process will exceed that time frame.

The QBSA Act is to be amended by omitting section 67H of part 4A. With regard to schedule 1 of the bill, this removes the legal requirement to have a variation to a contract in writing and price. This could have disastrous outcomes as many money disputes arise from variations. If the variation is not priced and not in writing, what documentation can be used to prove a claim to the adjudicator or the courts, as the case may be?

Section 26 of the payments bill provides very strict guidelines for the adjudication decision. Removing section 47H of the act legalises the current practices of some of the rogues and shonks in the industry who, at the end of the job when the final payment is due, just say, 'We can't pay for that variation. You don't have it in writing.' Because of that, we see a weakness in the bill.

Section 67(1) of the BSA Act remains. It provides for a contracting party to give a direction for additional works without the agreement of the contracted party and without the contracted party knowing whether he would be paid for the work or how much he would be paid. However, the contracted party cannot refuse to do the work which is the subject of the direction. Clearly, this part of the bill could produce some very negative outcomes for builders and subcontractors. I refer members to Suncorp Stadium. As I mentioned, the issues in relation to that matter are still not resolved. It is difficult to see the reasoning for removing section 67H from the act by this bill, which claims to be providing security of payment.

This bill also amends section 67J of the QBSA Act, which relates to set-offs. I wonder how much industry consultation was involved in this part of the bill. As at the end of October last year, the draft bill contained a mention of the changes to section 67J, yet the bill as presented allows a contracting party to charge whatever he likes for a set-off—for example, cleaning—without notifying the contracted party in writing as to how much he is going to set-off. The contracting party can deduct that amount for any moneys owing to the contracted party. I cannot find a definition for the word 'set-off' in this bill or in the QBSA Act. It seems that the definition for 'an amount owed' as defined in the bill is very broad and will capture anything that a contracting party may dredge up at the end of a job as an amount owing by the contracted party to avoid having to make a final payment.

Written notice must be given within 28 days after the event. Through the changes that this bill makes, the contracting party is now not required at all to advise the contracted party as to how much is owed. Governments do not allow banks to charge interest without telling the customer how much that interest will be. Real estate agents are not allowed to charge commissions without first telling the customer how much that commission will be. This bill makes builders and subcontractors very vulnerable to the practices of shonks and rogues who can simply say, 'We have done all that the legislation requires us to do.' A building contract must state the amount to be charged, but a set-off is open ended. I think the minister can understand the point that I am making.

I also believe that liquidated damages is not considered a set-off in this bill. Liquidated damages can be charged at the end of the job, or at any time after completion as part of a defence and counterclaim. That could be six months or more after the completion of the job. The legislation has no guidelines or rules to define 'liquidated damages'. Surely, damages should be charged only if the contracted party has caused the project to extend beyond the expected completion date; the cause of the delay is not something beyond his control—for example, rain, or availability of materials; damages should not be charged without first notifying the contracted party in writing that he is now in liquidated damages; and the principal has charged liquidated damages to the contracted party.

Mr Schwarten interjected.

Mr HOPPER: I refer to a standard contract written by a large Queensland construction company. This might help the minister understand what I am saying. This contract relates to subcontracted tradespeople in the industry and where the subcontractor has made an application in writing for an extension of time. It states—

The builder shall inform the Subcontractor within a reasonable time (being not less than twenty-eight (28) days) of receiving a claim for an extension of time, whether or not the builder has granted any extension of time and, if so, the period of the extension, and whether the Float has been reduced.

It states further—

Where the builder does not so advise the Subcontractor within fifty-six (56) days of the receipt of a claim for an extension of time, then the claim shall be deemed to be rejected and the claim must be referred to dispute resolution by the Subcontractor in accordance with Clause 24 within sixty-two (62) days of the receipt of the claim by the Builder or failing this it shall be deemed to be abandoned and released.

Does that seem like an abuse of contractual power? How many subcontractors will have read 22 pages of clauses such as these? How can a subcontractor be expected to wait 56 days to be informed whether his claim for an extension of time has been granted? The job will more than likely be finished by then.

This same contract has a notice on the front that states—

The standard provisions of this subcontract agreement are not to be altered, unless previously agreed with ... and amendment shall be made by special conditions attached to the standard conditions.

That sounds like bullying practices to me. This is clearly a case of the big print giveth and the fine print taketh away.

Clause 99 of the bill provides the no contracting out provisions of the bill. This clause would be a good opportunity to put in place some protective measures to protect the builders and subbies in relation to set-offs and liquidated damages that could not be contracted out.

I turn now to the security of payments issues that are not addressed by this bill. Firstly, there are no requirements in this bill for the owner/developer to prove that the money is available before the construction commences. So if there is no money, there is no security of payment regardless of the rapid adjudication. If a builder goes into liquidation for whatever reason, there is no money. There is still no security, regardless of the rapid adjudication. The bill does not pretend to address this area of non-payment.

At this stage, there are a lot of aspects of the bill that are contradictory to the discussion paper that was used at the roadshows in February/March 2002. I do not mean to sound too negative, because there are a few positive things about this bill that I would like to touch on. Firstly, the bill provides for quick decisions on the payment of progress payments to builders, subcontractors and suppliers in the building and construction industry. I think that is something that we have needed for a very, very long time. That should free up the flow of funds down the contractual chain. That will also allow for the suspension of works if the flow of funds is not happening without the suspending party being penalised. Parties who opt to use the subcontractors act will be excluded as they will not be able to suspend works without penalty.

However, let me paint a scenario. An owner/builder/developer does not have the money for the project for which he is contracting to build. There is no requirement for him to produce any proof of available funds. Currently, the builder does not get paid. He therefore cannot pay subbies and cannot pay suppliers. Everyone loses except the owner and the finance provider. Under this bill, if the owner/developer's money runs out, the builder can apply for adjudication and obtain judgment. If there is no money and the owner/developer liquidates, no-one gets paid. The financial institution gets the assets and the subbie ends up with nothing simply because he has no security.

What if the owner pays the builder, who then does not pass on the money to the subbies and the suppliers? The subbies and the suppliers do not get paid. Currently, the subbie can do a subcontractor's charge and then must commence legal action, which will take four to five years and a heck of a lot of money. Under the provisions of this bill, when the builder is slow passing the money on to subbies and suppliers, an application can be made for rapid adjudication. Provided all the time frames are strictly adhered to, the subbies and the suppliers can obtain a fast decision from the adjudicator. One can only agree with that. That is brilliant.

Mr Schwarten interjected.

Mr HOPPER: Money will change hands in most instances. This is an interim decision and the court may still be required to determine complex contractual disputes, as we have seen in the case of Suncorp Stadium. What if a builder goes into liquidation, voluntary or forced, resulting in the subbies and suppliers not getting paid? At the moment, the subbie can do a subcontractor's charge and get a few cents in the dollar and that is considered a good outcome. This bill will have no effect in this situation whatsoever, except that it may force builders into liquidation sooner rather than later, or it may have a negative effect for subbies who opt to use the rapid adjudication process and then miss out on securing funds under the subbies charge.

What if the owner/developer chooses to cheat the builder or the builder chooses to cheat the subbies at the end of the job by not paying for the variations and/or not making final payment? The attitude of the cheat is 'accept what we are offering or take us to court'. With the present legislation, the result of this is that the subbie does not have the money he is owed and therefore does not have the money to go to court. The subbie can do a subcontractor's charge but must start court proceedings within one month. The subbie then does not have the money to go to court. Under the payments bill this is a situation in which rapid adjudication should work well for the builders, subbies and suppliers. The application should be cost-effective. All documents are put out before the adjudicator and a decision should follow promptly. There will still be a problem in getting the money; however, judgment is a step in the right direction. Just because we have a decision, it does not automatically follow that we get the money, but it is a great start.

Let us look at what happens with a claim under proposed subsection (1) (b) if a subbie gives a payment claim and the builder does not respond within 10 business days and does not pay the full amount on the due date for payment. The subbie can obtain judgment in any court of competent jurisdiction. A claim must then be made in a relevant court. The subbie has then opted for a court action and cannot apply for adjudication. However, if the subbie opts not to go to the court he can apply for adjudication. He must within 20 business days immediately following the due date for payment notify the builder that he is going to apply for adjudication. He must then give the builder five business days to provide a payment schedule. Then the application must be made within 10 business days after the five-day period has expired. If he misses any of these time frames he is out. Under proposed subsection (1)

(a) (i), if a subbie gives a payment claim and the builder provides a payment schedule advising a lesser payment than that claimed, different time frames do apply.

The bill has made no provisions for education. Many industry groups that will be covered by the legislation will not be registered with the BSA, for example suppliers, engineers, architects, developers, civil contractors and earth moving contractors among others. How will all of these groups be given the tools to use the legislation effectively, especially considering the crucial time frames involved? Learning by experience is sometimes very painful.

Mr Schwarten: They have all done that.

Mr HOPPER: I have done it, too. These groups will not be on any mailing list with the BSA and will have to rely on seminars and the media to advise them. Let us consider the scenario of a one-time investor who decides to build a commercial premises. The situation could be that the builder gives him a payment claim for the first payment. How does he know that he must give the builder a payment schedule within 10 days? He is not in the industry. This is the first time he has done it. It is all new. What if the claim was three times the value of the work performed? On the due date for payment, if the total amount of the claim has not been paid the builder can go to the court and get a judgment for the amount of the claim and the investor cannot use any defence.

Suppliers will need to ensure that invoices contain all the requirements under the bill to comply with 'payment claim' status. Builders and subbies will need to be constantly scrutinising their supplier invoices within 10 days to ensure they are not being overcharged for products. If they have not produced a payment schedule within 10 days advising of the overcharge then they could have a judgment against them with no recourse to a defence. Large construction companies will have access to lawyers and solicitors to ensure systems are in place to meet the new requirements, but how will the small builders and subcontractors learn the time frames to ensure they fully utilise the legislation to gain payment for their work? Quite an education process will have to be put in place.

Currently, under the QBSA Act 1999 there is a legal requirement for variations to the contract to be priced and in writing. As many disputes in the industry relate to payment for variations to the contract, the requirement to have it committed to paper makes it easier to substantiate a claim when the need arises, whether it is in court or at the tribunal. With this section of the act removed and section 671 remaining, contracted parties may be required to perform additional works to that contract without knowing how much they will be paid or even if they will be paid. When they apply for adjudication they will not be able to substantiate their claim with documentation, according to proposed section 27(2) of the payments bill. If the larger entities in the building industry find it difficult to comply with written variation approvals with a price, then surely this is not a good reason to increase the subbies' exposure to non-payment.

This bill goes some way to alleviating the payment problems, but fundamental change and reform are required within the industry to protect those subbies from being screwed over by the rogues and shonks. I really look forward to the minister continually monitoring this legislation during this term to ensure the rogues and shonks do not win and that the fundamental reform will continue within the building and construction industry. I support the bill before the House.

Mr LIVINGSTONE (Ipswich West—ALP) (5.55 p.m.): I rise in support of the Building and Construction Industry Payments Bill 2004. Firstly, I would like to congratulate the Minister for Public Works, Housing and Racing and the Building Services Authority on producing a bill which will have such a positive impact upon the Queensland building and construction industry.

This bill is a watershed and clearly indicates the Beattie government's ongoing commitment towards improving the industry in Queensland. The Queensland building and construction industry is worth approximately $18 billion to the state's economy annually and provides direct and indirect employment for thousands of hardworking Queenslanders. Since 1998 the Beattie government has introduced two 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. Among a host of initiatives, the reforms included the introduction of tough contractor licensing financial criteria, a series of commercial contractual protection measures and the banning of persons from holding a contractor's licence in the event of 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 powers of the BSA to ban persons from holding any form of building licence to include persons who continually displayed a lack of regard for their contractual and payment obligations. These reforms have proved effective, with two individuals having been suspended for life and another receiving 30 demerit points, resulting in his licence being disqualified for three years.

These recent legislative reforms, coupled with the longstanding Subcontractors' Charges Act 1974, mean that subcontractors working in Queensland enjoy a raft of legislative protection measures designed to improve their payment prospects. However, these legislative measures in themselves do

not result in any improved cash flow outcomes for parties operating in the building and construction industry. A system where payment disputes can be quickly and relatively cheaply resolved on an interim basis is required to complement the current legislative measures. The system of rapid adjudication established by the passing of this bill will fulfil this crucial element to improve the payment outcomes for contractors within the industry. The bill will further improve the standards and integrity of the building and construction industry in Queensland. I commend the bill to the House.

Mr POOLE (Gaven—ALP) (5.58 p.m.): I rise in support of the Building and Construction Industry Payments Bill 2004 as it provides the hardworking individuals in this industry with an alternative dispute resolution mechanism to the courts to overcome payment issues in a fast and efficient manner. The bill is groundbreaking and will impact on payment relationships between parties involved in the performance of construction work. During my time as a local member I have had many contractors from the building and construction industry contact my office regarding payment disputes.

While the Beattie government has improved the payment prospects for contractors through a series of legislative initiatives, this bill sets out a process whereby payment disputes can be dealt with in a fast and efficient manner. The bill addresses the balance of power between contracting parties. Previously a contractor has not paid and a subbie has had to justify why he should be paid for doing work. Now the contractor receiving a payment claim endorsed under the bill and wishing to dispute payment has to sufficiently explain and give reasons why they are refusing to pay the subbie for their hard work.

In future, when contractors come to my office with matters involving payment disputes in the building and construction industry, I will be able to point them in the direction of rapid adjudication and have the knowledge that a decision will be reached in a much shorter period of time, rather than dragging a payment dispute through the courts. If payment of the adjudicated amount is not paid, the claimant can request an adjudication certificate which can then be lodged in a court of competent jurisdiction as a judgment debt.

Under the Queensland Building Services Authority Act, a judgment debt now attracts 10 demerit points to the licensed contractor's record. If any BSA licensee receives 30 demerit points, their licence is suspended for a period of three years. As an added incentive to do the right thing, demerit points are also listed on a licensee's historical search available to members of the public on the BSA's web site, which is www.bsa.qld.gov.au, which will no doubt affect licensees' future work opportunities. I would like to take this opportunity to congratulate Minister Schwarten on the development of this bill and support the introduction of the Building and Construction Industry Payments Bill.

Mr LANGBROEK (Surfers Paradise—Lib) (6.01 p.m.): As Liberal shadow minister for public works, housing and racing, I am very pleased to lead the Liberal Party on the Building and Construction Industry Payments Bill—a bill which the Liberal Party does not oppose. The Liberal Party welcomes this legislation, albeit cautiously, and we agree with the intent of the bill. The problems in the construction industry with regard to the non-payment of subcontractors are immense. A bill that is aimed at addressing and rectifying these problems should be welcomed by the House.

This legislation was on the table during the last parliament after being on the agenda for over two years. This legislation has been a long time coming—too long for the unfortunate subcontractors who have been stung by unscrupulous and deceitful builders who would prefer to stall rather than pay what they owe. The object of this bill is to provide progress payments to subcontractors at regular intervals to ensure that cash flow is steady and constant in the construction industry. An important change also is the introduction of rapid adjudication which aims to balance time and efficiency with legal precision. As a consequence of this rapid adjudication, a certificate is provided that can be presented to a court of an appropriate jurisdiction. From there, the debt can be claimed.

As I have previously mentioned, the problems in the industry are endemic. Subcontractors have for too long been the little brother picked on by builders and developers with no intent to pay them for the work they have done. I must say at the outset that the vast majority of builders and developers are honourable businesspeople who work hard to make a success of their businesses. I have every respect for developers who make a living via the legitimate and ethical method of paying subcontractors for their hard work. For that unethical small portion, though, their practice of ripping off honest, hardworking Queenslanders must stop. In speaking on a similar bill in New South Wales, Premier Bob Carr called the practice un-Australian. This is a very true statement and any measures that can be implemented to stop this un-Australian practice must be implemented.

This government should be commended for bringing this bill before the House. It is a bill that provides greater protection for subcontractors, helping them to be paid rightly for work and materials they have provided. The building industry contributes millions and millions of dollars to the Queensland economy each year. The major threat to that huge contribution is a break in the chain of contract that exists in the building and construction industry. If those at the top of that chain of contract, the developers, are not paying what they should to the next level, the subcontractors, the effect is exponential. The more this practice goes on at the top level, the greater the difference it makes to the overall bottom line and the lives of thousands of Queenslanders.

Prompt payment of subcontractors speeds up the cash flow through the industry. When cash flow is accelerated, the industry can function at its most efficient. A greater portion of time will be spent on the building and construction side of the industry and less on the administration and money chasing that bogs down construction output. This bill is aimed at securing that efficiency and output. No system is perfect. I am sure there will still be the odd case of poor and delayed payment for subcontractors. This bill, though, significantly improves the mechanisms for payment recovery and provides disincentives to rogue builders and developers.

The major improvement to payment recovery mechanisms is the rapid adjudication process. The model used in this bill is one that has been used to very good effect in other states and overseas. It has proven to work and it will work in Queensland. The reason this method of payment recovery works is that it comprehensively thwarts any attempts to delay payment by a builder. This bill makes the practice of stalling much harder.

As with any legislation, there will no doubt be some teething problems in its introduction into the industry. Some of these problems can no doubt be foreseen from similar problems which have been encountered in other states. As the Liberal shadow minister for housing, I will be watching very closely over the next 12 months and looking for ways the reforms could be further refined to promote even greater efficiency and output.

As much as I do commend the bill and its intent, I have a number of reservations. These are reservations industry representatives have expressed to me. First, there is the grave concern that variations do not have to be fully costed prior to the commencement of work. This point increases the risk of non-payment down the track. If a variation to the original contract needs to be made, it is generally made on site with no paperwork or record whatsoever. These verbal agreements can be disputed at a later date. As it stands under this legislation, variations do not need to be considered as mandatory clauses in the contract, nor can variations be subject to the benefits of rapid adjudication.

If a site supervisor instructs a subcontractor to make a variation on a property and the variation is substantial enough, it can be argued that the agreement was a separate contract. As such, for any dispute, remedy can only be sought in a court of law. This does not alter the current situation and leaves this level of paperwork and red tape for subcontractors to wade through. It also leaves the subcontractor open to considerable risk of non-payment as it is very difficult to verify these ad hoc contracts in a court of law.

Second, I would like to register my concerns about the practicality of the time frames involved in the lodgment of paperwork under this act. The purpose of this bill is based on the premise that subcontractors are far too busy with their work to be chasing up accounts. Yet there are a number of very tight time constraints by which subcontractors need to abide. I am worried that some disputes will be deemed invalid by virtue of not being handed in legitimately on these tight time constraints. The reason for this failure to comply may simply be that the subcontractor is too busy working. The intent of this bill is to protect subcontractors. The only reason for tight time constraints would be to prevent one party stalling. In this case, the party that wants to prevent stalling is the subcontractor. So there is no need to place them under such a time constraint. Relaxing the time constraints would enhance the ease with which subcontractors could recover their money rather than hinder it.

Third, my greatest concern is that the benefits of this bill will not be passed on to the subcontractors via an education process. The Building Services Authority does not have the resources required to educate concerned parties as to the changes this act implements. While I am sure many subcontractors will be pleasantly surprised at some of the initiatives contained in this bill, some differences, though, if not brought to their attention may work to the subcontractors' detriment. For example, under the existing legislation a payment must be made as per the contract or at a default period of 15 days for builders and 25 days for subcontractors. The bill before the House suggests a default 10-day period for payment.

The reason the new default period—a provision in conflict with the Building Services Authority Act—is 10 days is that this bill is a carbon copy of the one presented to the New South Wales parliament. The difference, though, is there is no Building Services Authority Act or equivalent in their legislation. As such, there is no conflict in New South Wales. To stay in time with part 4A of the Building Services Authority Act here in Queensland, and for that matter with the practicality of implementation, it would make sense to leave the default period at 15 days for builders and 25 days for subcontractors.

The problem is that, without education, subcontractors and builders may not know what they should do and when they should do it by. Some builders may be in violation of the act though they had no intention of stalling whatsoever. For this reason, I suggest that resources be allocated to the BSA to educate concerned parties or, more importantly, the current default periods be carried over to the new legislation so as to avoid a situation where well-intentioned parties are found in violation of the act. If this matter is not attended to, confusion will reign with regard to this bill over when and under what circumstances a person may be paid.

Like many people, I have experienced the trials and tribulations of building a home first-hand. I have many trade contractor friends who tell me of the many times they have been left out of pocket due

to lack of payment by unscrupulous builders. These are honest, hardworking people deprived of the payment that is rightfully theirs. I support the intent of the bill. I will, however, be watching very closely over the next 12 months for ways to refine the reforms to make the industry more efficient.

Mr HOOLIHAN (Keppel—ALP) (6.09 p.m.): It is with pleasure that I speak in favour of the Building and Construction Industry Payments Bill 2004. Part of my background involved trying to enforce charges under the Subcontractors' Charges Act, which was somewhat akin to a nightmare. For many years the building and construction industry has experienced difficulties with payments between different levels of contracting parties, as has already been set out. It is pleasing that we have a minister who has a background in the construction and building industry, and I congratulate him on the thrust of this bill.

Any member of this House who has practised law in the area of building contracts will be aware of the difficulties experienced by subcontractors in obtaining payments from certain unscrupulous builders and even some decent operators who have difficulties with cash flow or where a dispute exists over a contract. The member for Darling Downs has pointed out that, in some ways, this bill does not go far enough, but the shortcomings relate more to the ultimate recovery of moneys owed if a claim for the unpaid amount is filed as a judgment for a debt in a court of competent jurisdiction. Company liquidation or bankruptcy could still frustrate the payment. If the respondent is going bust or is a company close to liquidation, the money may never be paid in full, but this situation does not affect the real improvement that will be implemented under this bill and that will protect the majority of industry operators.

The bill substantially expands the definition of 'work' which can attract the payment provisions and give certainty to a claimant. The original Subcontractors' Charges Act was very prescriptive in respect of the areas that attracted the operation of that act and the time frames were very tight, and I will mention that later in my speech. The chain of payments was also attacked further up the chain thereby causing cash flow problems for the whole contractual chain.

If the non-paying entity or person had only some temporary difficulties in their cash flow and had not wished to become part of any resolution because of a perceived backlash by the industry, the requirement in this act for a payment schedule should give both parties the opportunity to be open with each other and perhaps enter into meaningful discussions for resolution. Even if only some payment is to be made now, that will protect the claimant's position in the interim and give them a continuing right to receive the balance of their money.

The present requirements under the Subcontractors' Charges Act caused long and involved proceedings. Anecdotally, it appeared that the main argument usually raised against any claimant was that the work was substandard or had not been completed. The onus of proving all aspects of the claim rested on the claimant's subcontractor and virtually became a trial on a breach of contract.

I note that the research brief produced by the Parliamentary Library sets out the limitations under the existing act, one of which is 'that courts have strictly interpreted the act because of the special position it confers on subcontractors'. To any lawyer acting in that field, that comment is a substantial understatement. Because of the nature of most subcontractors' operations, they work on a small profit margin and a substantial cost in enforcing any claim—together with the strict interpretations and sometimes coupled with the loss of the payment—caused them to face ruin. In addition, they were not able to cease work under the contract as the mere cessation would thereby constitute a breach of the contract.

Various amendments were made to the original Subcontractors' Charges Act over the years, but the difficulties for any claimant in securing payment has never been completely resolved. To have a defined process with specific time frames does give some certainty to claimants while endeavouring not to disrupt the payment chain. A procedure allowing a claim, then requiring submission of a payment schedule, adjudication of any disputed claim and payments of progress payments should streamline the resolution of any disputes.

The act makes provision for the registration of an authorised nominating authority and also for separate registration as an adjudicator. It is the nominating authority that must register the adjudicators in accordance with the act, but I would have preferred to see the QBSA itself register the adjudicators, thereby removing one tier of bureaucracy. The criteria for registration is, however, set out in the act and should ensure a high quality of adjudicator. In addition, the failure of an adjudicator to meet the time limits set out in the act for his or her adjudication would result in the loss of right of payment of the adjudicator, and that should set a high quality of persons entering the field.

The Commercial and Consumer Tribunal Act is amended and given review powers in relation to the registration of the nominating authority or the adjudicator, and this power may ultimately resolve any of my perceived problems. The authority is required to report to the minister as to the operation of the adjudication registry in each year and it may be necessary to review that aspect of the appointment of adjudicators after consideration of that report.

Although causing difficulties in its enforcement, the Subcontractors' Charges Act has not been discarded altogether and it still may have some relevance under certain circumstances. The claimant

has the option to choose which procedure they wish to follow. That was mentioned by the member for Darling Downs. However, in fact they may switch from one procedure to the other if circumstances change.

The Queensland Building Services Authority Act is also amended to change the application of that act to certain contracts, and that is under section 67. In fact, it amends part 4A of the act to allow the provisions of the new bill to operate in the manner envisioned.

As with much legislation, the proposed operations can only be assessed against comparable provisions in other states or assessed against its own operation over time. The minister and his department have addressed the difficulties for payment to contractors by the procedures proposed. I believe the majority of operators in the building industry will accept the legislation and try to operate within its framework. Those who do not accept the procedures are the ones who caused the problem in the first place and, hopefully, the application of the bill will banish them from the industry. I commend the bill to the House.

Mr FINN (Yeerongpilly—ALP) (6.16 p.m.): I rise today in support of the Building and Construction Industry Payments Bill 2004. This bill is a reintroduction of the bill presented prior to the House rising for the election campaign. Today I will make brief comment on the scope and important exemption of this legislation.

Entitlement to payment for work performed in the building and construction industry by contractors and subcontractors has, to date, been governed primarily by the common law of contract. Subsequently, any rights arising out of the various contracts between owners, contractors and subcontractors are usually enforced through orders of the court.

Firstly, a court judgment for the amount owing is obtained and then one of the more traditional avenues of debt recovery, such as commencing bankruptcy proceedings against defaulting individuals, is initiated. These actions under common law can be both lengthy and costly. This bill creates an alternative statutory process to those traditional means currently available for the enforcement of contractual rights in the building and construction industry.

The bill affects Queensland's 55,000 BSA licensed builders and trade contractors and takes into account other industries working in building and construction that do not fall under BSA's immediate jurisdiction but which provide related goods and services. The bill applies to most contractors, subcontractors, suppliers of constructional plant whether by sale or hire, and suppliers of architectural, engineering, surveying, decorating or landscape advice by making provision for these entities, in the case of disputed payments, to lodge a payment claim with an independent adjudicator.

Importantly, though, no contractor or subcontractor carrying out construction work in Queensland will be forced to rely on the adjudication process established under this bill if they are content to rely on the relevant contractual arrangements. However, a contractor or subcontractor wishing to utilise the adjudication process, in addition to preserving their contractual rights, is required to give notice of intention to the person receiving the payment claim. This notice provision ensures that the person receiving the payment claim has had an opportunity to inform themselves of their obligations and respond if they wish to dispute the payment.

There is one major category of exemption from the application of the bill. The builder of a house for occupation by a client defined as a resident owner under the Domestic Building Contracts Act 2000 cannot make a payment claim against the client. This exemption protects, for example, those families—the mum and dad owners—who may only build a new home or renovate an existing home once or twice in their lifetimes. That is an important protection, as this exemption ensures that a builder is not able to lodge a payment claim which, if not met within the expiration of 10 business days, would require full payment to be subject to a payment order. The protection ensures that resident owners, like mum and dad owners, are not disadvantaged when they may have good reason to withhold or defer payments.

By contrast, the speedy and definitive payment regime is well known to the majority of persons or companies working in the commercial sector of the industry as most standard form contracts in use in this sector contain similar payment provisions. The BSA has consulted widely in the formation of this bill and received overwhelming support for its introduction. Notwithstanding this, the Minister for Public Works, Housing and Racing has directed that the legislation be reviewed after being in effect for 12 months. This is in keeping with this government's commitment to continued consultation within the building and construction industry. The member for Surfers Paradise can rest easy—we are looking at it, too.

This bill is supported by industry stakeholders, enables dispute resolution without reference to courts and the associated costs of court action, does not extinguish the right of recourse through the common law of contracts and keeps the cash flow moving down the hierarchy of the construction industry. In the end, this bill is about ensuring that contractors, many of whom are small and medium size businesses, are able to rapidly access moneys owed to them and without high recovery costs. This means protection for businesses and their employees. I commend the bill to the House.

Miss SIMPSON (Maroochydore—NPA) (6.20 p.m.): I am happy to speak in support of the Building and Construction Industry Payments Bill. I note that the primary provision is the rapid adjudication process for subbies. This is the big issue. We can have other legal processes for resolving contracts, but if someone financially starves to death while waiting to receive justice it is very hard to accept. This legislation which provides a statutory framework for the rapid adjudication of contractual disputes in the building industry, particularly in the commercial building industry, is certainly welcomed.

I note that my colleague the member for Darling Downs has raised some concerns. We await the minister's response in that regard. My only comment would be why we are not looking at an extension of this into the residential building sector. Obviously, this is something of concern to subbies in the non-commercial sector and they also need protection afforded to them. I would certainly welcome the minister's comments about that. That continues to be of concern because subbies will still be exposed to the risk of unpaid contracts, having those contracts dragged out and not having a cash flow. This legislation does not cover that issue.

With regard to the commercial industry, I note that there is one exception, as has been mentioned—that is, non-commercial, low cost contracts. That relates to owner-builders who engage contractors and tradespeople in a building contract role. Subbies in this case will have recourse to this legislation to seek rapid adjudication.

The Subcontractors' Charges Act 1974 is a very interesting piece of legislation which was based on very sound principles. I believe that largely this is a good piece of legislation. I am pleased that the legislation that we are considering seeks to dovetail with that legislation. Once again, it is about trying to get a fair outcome but also making sure that these outcomes are achieved in a timely way.

I note that the legislation does provide for default provisions with regard to contracts. In other words, where the contract or the agreement is silent on progress payments there is an ability for the adjudicator to use the default provisions in the resolution of these particular issues. As has been noted, this legislation will come up for review in 12 months. Subcontractor issues have been traditionally very difficult issues. They are issues that both sides of politics have sought to address with goodwill over the years. We know that these issues do need to be revisited to make sure that the laws as intended do have the desired outcome.

Obviously, the building industry is important to the future of Queensland. It is a major employer of people. It is a major part of the investment for the state. For most people the majority of their investment will be in the property sector. We have to ensure that we have a healthy building industry that goes hand in hand with the property sector. This is vital.

Traditionally, there have been a lot of victims who have not been able to be paid in a timely way. The vexed issue has been the payment of subcontractors who are often at the end of the food chain. They are the ones who pay the price of bad business decisions that are made higher up the food chain. Sometimes there are unfortunate circumstances where people go under. At the end of the day, we need a fair system for subcontractors. We need a fair system for all industry players so that people know that there is a process to resolve disputes.

This legislation does not remove a party's contractual rights to obtain a final determination of a payment dispute by a court or a tribunal of competent jurisdiction. What it does allow is for rapid interim adjudication so that the party who is considered to have the most commendable case, as determined by the adjudicator, is able to have that matter resolved on an interim basis. That is a significant fact. It means that there is ultimately still a final determination of the issue. But there is recognition that people need to have a quick outcome to keep people alive as far as their cash flow is concerned. If this does not happen, the final determination in the court will never come about because someone will go belly up and be unable to take the time to continue to pursue the matter and will often cut their losses. Accumulatively, that is an extremely expensive process.

Often subcontractors have been criticised for being the creators of these problems. There has not been an understanding that they have the bad luck of having done the appropriate checks, considered the people they are doing business with and are still losing out in the end by not being paid in a timely manner. While the issue of good business practice is relevant for any player within the building industry, it has been the lack of power of the subcontractors that has often made them extremely vulnerable. They often have a lack of capital to carry them through to the long-term resolution of issues.

We will look towards the review and the outcome of the assessment of the legislation as it is implemented. We will also be looking at the issue of private adjudicators and the establishment of a process ensuring that the appropriate people are in place, are appropriately trained and are brought in line under this legislation to deliver this very important service. On the whole, I welcome the legislation before the House.

Sitting suspended from 6.27 p.m. to 7.30 p.m.

Mr FRASER (Mount Coot-tha—ALP) (7.30 p.m.): I rise tonight in support of the Building and Construction Industry Payments Bill 2004 which will provide for the establishment of a system of rapid adjudication over payment disputes. In my electorate of Mount Coot-tha, I doorknocked many subcontractors in the lead-up to the election campaign. Sometimes when one walks down a street in my

electorate, they can be forgiven for thinking that renovation is the national pastime. As the minister has said, cash flow is the lifeblood of the building and construction industry—an industry characterised by operations often with limited capital backing—and the adjudication process that this bill proposes will provide a cost-effective process for providing interim decisions on disputes. The adjudicator to which decisions about payment will be referred to under the bill has the power to call for submissions, view the site and hold a conference when considering a dispute. The important part about this bill is that the adjudicator only has 10 business days to make a decision from that time.

What this bill is doing is not trying to replace the cowboy antics with shoot-from-the-hip justice. Importantly, rapid adjudication does not extinguish a party's ordinary contractual rights to obtain a final determination of a payment dispute by a court or a tribunal of competent jurisdiction. The significance of the adjudicator's decision 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 then enforceable as a judgment debt if a contracting party fails to pay moneys to a contracted party as determined by the adjudicator. In accordance with the principles of natural justice, the adjudicator must provide reasons for the decision to both parties.

The best part about this bill is not the adjudication process which it seeks to usher in but rather the important secondary benefits and change of culture in the industry which the bill will surely usher in. Apart from allowing for a prompt interim decision on disputed payments, the process encourages communication between parties about disputed matters. Indeed, its very presence encourages a more focused attention in evaluating payment claims because most parties to a construction contract will wish to avoid the rigours of the adjudication process. Indeed, it has been the New South Wales experience where similar legislation is in force that these secondary benefits are being shown to be very significant and effective in bringing about that culture change in the industry in New South Wales.

This is a bill that will ensure that the cowboys are out of the construction industry—those who operate on a predatory principle against the subcontractors who, by definition, are operating in honesty in accordance with the interests of good practice in the industry. This is a bill that will assist in preventing insolvency forced upon the small and legitimate contractors by the unmeritorious withholding of payment by larger contractors. This is a bill that will help ensure there is fairness and equality for those working in the Queensland building and construction industry, and I commend the bill to the House.

Ms MALE (Glass House—ALP) (7.34 p.m.): I rise in support of the Building and Construction Industry Payments Bill 2004 and congratulate the minister on reintroducing this bill, because it is a very important piece of legislation. It will have a significant impact in the electorate of Glass House because it is one of the fastest growing areas in the state. Members are probably well aware of the growth occurring around Caboolture and the number of new subdivisions which are springing up on what seems like a weekly basis. The quick rise in the cost of housing in the past two years is forcing more and more people to look at alternatives outside the Brisbane metropolitan area. The cheaper land and house deals around Caboolture and Glass House makes our area a very attractive place to live, not to mention the fantastic scenery and the wonderful people who live there.

What some members may not be aware of is the large number of development approvals for the Sunshine Coast hinterland towns. Caloundra City Council has approved major developments in and around Beerwah and Glasshouse Mountains which will see a major housing boom over the next five years. This bill will give greater security to builders and subcontractors who will benefit from this housing boom in my area. The bill borrows from the experience of New South Wales legislators and is a very worthwhile advance in the security of payment issue which has been around for decades. It addresses the most important problem facing building subcontractors when confronted with payment difficulties, and that is timeliness. The time limit of 10 business days to settle a payment dispute gives building contractors surety and greatly improves security but does not cut off their other avenues within the law to secure payment. However, court battles over payment of debts can be drawn out affairs which eat up resources, something building contractors can ill afford. This bill provides a quick and easy settlement of a dispute by streamlining processes while at the same time still protecting the legal rights of participants.

I am also pleased to see that this bill addresses the anomaly surrounding owner-builder issues. It clearly sets out the role of an owner-builder in payment disputes, and for work valued over $11,000 owner-builders will be required to undertake training so they are under no illusions as to their roles and responsibilities. As I mentioned before, payment of building subcontractors has been around for decades. During the 1996 Mundingburra by-election it became a major issue and the Borbidge-Sheldon opposition promised to fix the problem. On the basis of these types of promises and the dodgy deal with the Police Union, the coalition won the Mundingburra by-election and was subsequently supported by the member for Gladstone to become the government. The Borbidge-Sheldon government appointed Ray Connor to fix the subcontractors' problem, and his first act was to establish the expensive Scurr review to examine the payment of subcontractors. The benefits to flow from this expensive inquiry were minimal for building subcontractors, and perhaps the greatest benefit the Borbidge-Sheldon government bestowed on the building industry was to sack Ray Connor as its minister.

The failure to fix the building subcontractors issue was just another example of how ill prepared the coalition was to form a government in 1996. Since then, the coalition has lost even more experienced members, so just imagine how badly it will perform in government the next time around—assuming of course the Liberals can swallow their pride, resolve the glaring policy differences with people such as the member for Darling Downs and sign another coalition agreement with the Nationals. I believe that the Liberals have more support across the electorate than the Nationals do anyway, so they should probably be the leading party. But back to the bill, as I have been discussing all along. It was left to the Beattie government to clean up after the failed Borbidge-Sheldon government, and we are continually refining and improving the laws surrounding the building industry. This bill is another example of this, and I commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (7.37 p.m.): I rise to speak in support of the Building and Construction Industry Payments Bill 2004. Isn't it great to hear so many members of parliament speaking in support of this new bill and hopefully new act of parliament in Queensland? It is certainly a great step forward to have a rapid adjudication process. It is a significant improvement on the law in Queensland. I really hope that we can see this precedent extended to other laws in Queensland. Far too often solicitors and plaintiffs have used legal technicalities in order to drag out disputes so that the payment of money or the resolution of the dispute takes a long period of time to be resolved.

This is a great step forward. It is a great precedent for other ministers to look at to see how we can improve the adjudication process, to see how we can improve the mediation process to simply solve problems and conflict. Again, I congratulate the minister and say well done. I am certainly looking forward to the review in 12 months, and hopefully by then we will be able to see this extended to other areas of the law in Queensland. I do imagine, though, that after the bill becomes an act of parliament in Queensland we may see some teething problems that have been identified earlier. I would hope that, if these teething problems are identified and do eventuate, the minister will act as quickly as possible to rectify whatever these problems are and that we do not have to wait 12 months for rectification or amendment to the law in Queensland.

As I said earlier, it is a great bill and I am looking forward to the day that it becomes law in Queensland—a new act of parliament. My question to the minister is: when does he anticipate that this bill will be an enforceable act of parliament, operational and available for Queenslanders to access? I am certainly prepared to put up my hand and put my shoulder to the wheel to assist and inform constituents in my electorate of Nicklin on the Sunshine Coast, which adjoins the electorate of the member for Glass House. Our electorates have many things in common: we have growth, we have a great environment and we have great places in which to live.

Ms Male: We share the Blackall Range.

Mr WELLINGTON: That is right. We also have many builders in our electorates and there is a lot of construction work happening. I am prepared to put my shoulder to the wheel to assist in informing the building industry and my constituents on the Sunshine Coast as to how they can have access to this new law. My question to the minister is: how can we assist him in informing Queenslanders about how they can access this new law? I believe that the challenge today is not simply just passing the laws; we really have to inform Queenslanders about how those new laws can assist them. So often when I speak with people in the construction industry they say, 'Peter, look, we just want to build the buildings and get paid. We find it too difficult to understand all the legal technicalities and all the red tape that we have to go through.' So my challenge to the minister is: let us really look at seeing not how we can just have a good law but how we can inform Queenslanders of the availability of this new law and show them that it is simple and easy to access. I commend the bill to the House.

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (7.41 p.m.): I rise to support the Building and Construction Industry Payments Bill 2004, which was reintroduced by Minister Robert Schwarten earlier this year. I offer my congratulations not only to the minister but also to his diligent and very hardworking staff. For the first time there is legislation that will go a long way towards protecting all parties in an industry that history has shown is very vulnerable to major downturns in the economy. Who could forget the early to mid-1970s, which saw high inflation and the severe scarcity of building resources and qualified staff, or the late 1980s to early 1990s with the general recession and a collapse in the property market. As these catastrophic collapses occurred, it was difficult to measure the total cascading effect on all the other levels of the industry, particularly on subcontractors and their clients.

Problems with regard to the payment of subcontractors in the building and construction industry have always been prevalent due to the very nature of its structure. Even though the industry is subject to a number of acts, problems in enforcing payment claims under that legislation have resulted in its failing in practice to achieve an outcome of fair and just payments for contractors and subcontractors and their clients. In talking to people in the industry, I have found that the nature of the building and construction industry is that developers, professionals, tradesmen and suppliers are bound together under the building contract. Owing to factors such as low profit margins, the high level of skills required, the high mobile work force and changing building environments, the building and construction industry is riddled

with complexity and disputes. As such, when one player in the chain breaks down, more often than not that tends to have a domino effect on the entire team.

This state government in its last term introduced the subcontractors' charges legislation to ensure payment from head contractors to subcontractors. That is good legislation that serves to address some of the problems regarding payment issues between subbies and contractors. However, this Beattie government also recognises that if the payment of the head contractor is being unfairly withheld by the client, then the Subcontractors' Charges Act may not deliver the desired outcome as the head contractor may not be able to pay the subbies, notwithstanding the provision of the existing act. This bill serves to correct that by enabling any party involved in a building contract to improve payment outcomes by establishing a statutory base system of rapid adjudication for the quick resolution of payment disputes on an interim basis by an appropriately qualified and independent adjudicator. That will allow for payments to flow quickly down the contractual chain.

As the minister alluded to in his second reading speech, rapid adjudication does not extinguish a party's ordinary contractual obligations to obtain a final determination of a payment dispute by a court or tribunal of competent jurisdiction. The Scrutiny of Legislation Committee, of which I am pleased to be a member for a second term, suggests that the bill introduces a further statutory remedy that subcontractors may opt to employ. It creates a level playing field where disputes relating only to progress payments are dealt with in a relatively simple and flexible manner. At the same time, the legal equation is removed, therefore not allowing for the level of structured examination of those claims equivalent to that associated with a court hearing. However, the adjudication process does not extinguish either party's ordinary contractual rights to take the matter further and obtain a final resolution of a payment dispute by a court or a tribunal of competent jurisdiction.

The adjudicator must decide within 10 working days any application before him or her and must provide adequate reasons to both parties for the decision made. The advantages of this rapid adjudication process include the allowance for a prompt interim decision on disputed payments. It encourages communication between parties about disputed issues, and it is a much cheaper alternative. This adjudication process also lets unpaid parties suspend work or goods until the payment is received.

I am pleased that extensive consultation was carried out with the industry stakeholders. It included a statewide series of meetings with various state government departments, the release of two discussion papers, and articles in the Queensland Building Services Authority's quarterly journal. I look forward to the results of the review which will be carried out by this government in 12 months time. I commend the bill to the House.

Mr DEPUTY SPEAKER (Mr Shine): Before calling the honourable member for Noosa, might I draw to the attention of the House that this is the honourable member's birthday.

Mr Schwarten: Twenty-six today.

Ms MOLLOY (Noosa—ALP) (7.46 p.m.) I would love to be 26. I rise to speak to the Building and Construction Industry Payments Bill 2004.

Mrs Carryn Sullivan interjected.

Ms MOLLOY: I will take that interjection from the member for Pumicestone. The objectives of this bill are to ensure that those people who perform construction work are entitled to timely payment for the work that they carry out, including providing goods and services. This may appear a given to many of us in the community. One may even question why the government is forced to create legislation to protect construction workers. The answer lies in the actions of unscrupulous individuals. Although this situation occurs across a plethora of industries, it seems to dog this particular industry. From ongoing research and evidence scrutinised over many years, it would appear that this area in particular, by its very nature of having a hierarchical structure and an associated imbalance in bargaining powers, fares poorly.

Since 1998, the Beattie government has legislated to protect subcontractors, hence increasing those individuals' payment outcomes. In October 1999, the Better Building Industry reforms came into effect. Some of the reforms included 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 them being associated in any significant manner with a failed business venture.

Further, in July 2003 improvements were added to the Queensland Building Services Authority Act 1991, extending the power of the BSA to in fact ban people from the industry who continually displayed a total lack of regard for their contractual and payment obligations. The more recent reforms, coupled with the existing Subcontractors' Charges Act 1974, have meant that subcontractors in the state of Queensland are ensured of better payment prospects, and rightly so. But this is not a sure-plan guarantee of receiving better cash flow outcomes for those individuals operating in the building and construction industry.

In an area of rapid growth in south-east Queensland, the building industry is a key economic driver. I have been able to discuss this bill with building industry stakeholders along with generally

interested consumers. The Sunshine Coast has seen its share of Dodgy Brothers Inc. and from my discussions I have been able to glean that the bill is well received. The question is: how will it be done? Minister Schwarten explained the following in a building press release dated 18 March 2004—

As in other states it is proposed private adjudicators conduct the adjudication on a user pays basis. The adjudicator must make a decision on the dispute within 10 working days from either receiving the adjudication's response or the expiry of the specified time frame for receiving an adjudication response.

What happens then is the adjudicator gives both parties a response, including the reasons for that decision, the amount to be paid and when it is to be paid.

I think this legislation is terrific. It addresses matters of social justice, ensuring the building industry treats its workers fairly—a fair day's work for a fair day's pay, and there is nothing wrong with that. Nor is there any room for the rogues who have in the past given this industry such a bad name. The industry is a very large employer of Queenslanders, and it is only right that the government, in concert with industry stakeholders, addresses problems encountered unfairly by the building industry. I congratulate the minister and his staff on tackling this complex matter and for bringing the legislation forward.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (7.50 p.m.): I rise to support the Building and Construction Industry Payments Bill. Building subcontractors have over a number of years expressed concern about their inability to have payments made in a timely manner. They are in a disproportionate position as far as negotiation is concerned. Small business, which relies heavily on its cash flow, finds it difficult to sustain itself over even the short to medium term without those on whom they rely for prompt payment doing so.

I found it interesting to read in today's paper—it is not necessarily a building services issue, but the principle is the same—allegations in relation to the Gold Coast council, which admitted that it had paid only 43 per cent of suppliers' bills on time in the past year. Its targeted benchmark was 95 per cent. It was stated that a painting contractor had to pay his staff out of his own pocket because the council did not settle its accounts. This contractor was really hurting but he was reluctant to complain. Chamber of commerce chairman Don Jones said the council's go-slow policy was 'not good enough'. He said—

Cashflow is critical for most small businesses these days and if payments are held up it can be enough to tip companies over the edge.

...

There really is no excuse for the council not to be paying its bills on time.

I know that this minister, in the period he has been Minister for Housing, and previous ministers for housing and public works before him know of businesses that have been quite successful small businesses—they are often family-run businesses—that have been sufficiently denied prompt payment that they have gone broke. It has been usually as a result of a larger company, a contractor, who could well afford to pay the bills on time withholding that payment. The current Minister for Housing and others have addressed this situation incrementally over time. This current bill is another step in that direction of addressing those concerns.

When the original bill was brought into the House last year I sent a copy of it to Sid Marr. I know that the minister would know Sid. Sid has been involved over many years in subcontractor issues. He held some concerns in relation to this legislation. What I seek from the minister is a commitment that if the theory of these changes does not match the reality—that is, that the process being put in place is more convoluted than expected or the time frames can, through mechanisms unforeseen at this point in time, be pushed out—he will re-examine the bill and remedy those circumstances.

Mr Schwarten: I am committed to doing it within 12 months. I told Sid that. He would be happy with that.

Mrs LIZ CUNNINGHAM: It is important, because sometimes the theory sounds really excellent but the reality is quite different. I thank the minister for that undertaking. I look forward to this giving some relief to those hardworking small businesses, usually family businesses, who do the work in good faith and who expect payment in order that they can pay people to whom they owe money. If they are not paid promptly, others suffer. I certainly commend the minister and his staff on the legislation.

Mr WILSON (Ferny Grove—ALP) (7.54 p.m.): It is my pleasure to stand and support the Building and Construction Industry Payments Bill 2004. I particularly commend this minister for this legislation. I think Minister Schwarten has shown on many occasions that he is prepared to take all appropriate steps to defend and protect the building and construction industry in Queensland, particularly the livelihood of the thousands of workers this industry employs and the families of those workers who are so dependent upon their continuous employment. I am particularly interested in this area, as the minister would know, because of my previous employment background in the construction industry through the CFMEU, both at a Queensland state level and also at a national level in the federal office.

It seems to me that the key point in this legislation from a policy perspective is about protecting jobs and employment opportunities. One of the five key policy planks of the Beattie Labor government is more jobs for Queenslanders and improved employment opportunities for Queenslanders. Many of the

members who have spoken previously have identified features of the construction industry that are unique to that industry and put the issue of not only continuity of employment but also the availability of permanent, long-term employment very much up in the air. Those features are hard to change. They are very much part and parcel of the industry, particularly the subcontracting system throughout the industry.

The industry operates on very limited margins. When you add to the subcontracting feature of the industry the seven- or eight-year business cycle the industry goes through, in the down times there is much more pressure on the subcontracting system. The low margins that are ordinarily operating for many builders, contractors and subcontractors are squeezed even further and there is great risk to cash flows. Ultimately the risk then is to the long-term financial viability of employers in the construction industry. That means the jobs of many workers are at if not constant risk at periodic risk throughout the working year.

The objective of the rapid adjudication scheme is a fantastic one. It gives an alternative mechanism whereby there can be full and timely payment of contractors and subcontractors. If the cash flow can be continued, then we can guarantee that, at least for the present, workers will stay in work and their families will be safeguarded.

I will outline some of the reasons for the problems around appropriate and timely payment throughout the industry. There is a minority of rogue builders. Unavoidably that is the case. This legislation will be a direct hit in the face for those rogue builders. Non-payment of accounts and bills between subcontractors is from time to time, and particularly by the larger contractors, used as a bargaining tool. That shifts disproportionately the power balance between the companies and the businesses involved in subcontracting. Of course, when you have financially struggling builders it is often the case that they cannot pay their subbies and because of the pressures on their cash flows they hit the wall. Ultimately, of course, some builders become insolvent, bankruptcies occur and corporations go into liquidation.

The significance of this legislation from a job protection and employment opportunity protection point of view I think is best illustrated by some information about the size and significance of the building and construction industry in Queensland. I will give some figures that the research department of the Parliamentary Library has been able to provide to me to give some brief illustration of this significance. The construction industry is one of the largest industries in Queensland. It is perhaps trite to say it, but sometimes these things that are taken for granted need to be repeated. At June 2001, whilst property and business services was the largest industry sector in Queensland with about 82,000 businesses, representing 20 per cent of the total, the construction industry was second in line with about 67,000 businesses, or 17 per cent of all Queensland businesses located in one place. That industry was followed by agriculture and forestry. So it is second in line in terms of the number of businesses in the industry.

If we look at the number of persons employed or engaged in the industry as of 30 June 2001, about 147,000 workers either were self-employed or employed as employees in the industry. In fact, 64 per cent of that number were, if not direct employees, employees in one form or another. That constitutes about 6.8 per cent of the total Queensland work force.

The other figure that might give some added significance to this legislation as a job protection and employment opportunity protection mechanism is that in the area of bankruptcies—and we are dealing only with bankruptcies here rather than liquidations of corporations—if we look at the statistics for Queensland in the year 2002-03, trades persons and related bankruptcies amounted to a total of 835. Some 330 of those 835 were for construction trades persons and that 330 was double the next largest tradesmen category of bankruptcies in that year.

I mention those figures to bring some statistical reality to how important this legislation is. There is similar legislation in Victoria, New South Wales and Western Australia. I can assure the minister—and no doubt he already knows this—that this legislation will be very welcome by the many, many construction workers throughout Queensland, many of them represented by the CFMEU—either the construction division of the CFMEU or the builders' labourers division of the CFMEU. I heartily commend the bill to the House.

Dr LESLEY CLARK (Barron River—ALP) (8.02 p.m.): I rise to make a brief contribution to this legislation in the House tonight because I sincerely hope that we are seeing a final stage in what has been a very long saga to bring to fruition legislation that will effectively provide security of payment for subcontractors. It has been a significant issue throughout the state but certainly in far-north Queensland nearly for as long as I have been a member of parliament. I well remember our first attempts in the early nineties to address this issue. Throughout that decade various attempts were made and reforms brought to this House. But I have still, as other members here tonight have indicated, witnessed small businesses and families being destroyed because of not getting paid by developers and builders.

As a local member of parliament when people come to you in severe financial distress through no fault of their own it is very hard to tell them, 'I am sorry, the legislation that we have in place is not sufficient to help you.' We have never said that any legislation can take away all the risks. There will always be some risk in this industry, but up until this point of time I believe subcontractors have been

unfairly exposed, being at the bottom of the chain, and they have had to suffer increasing significant financial hardship as a result of this.

It is something that has been of concern to me, and I do commend the Building Services Authority and this minister for continuing to persevere with a solution. The research they did looking at legislation in Western Australia and New South Wales to bring something to this House that would work—that is, this rapid adjudication system in this legislation—is something that I am looking forward to.

I am encouraged, too, by the attitude of the Subcontractors Association. In my electorate we have Ron Crew, who has worked very hard on behalf of subcontractors in his role with the Subcontractors Association, and I am pleased that he supports the underlying principles in this legislation that will enable for the first time contractors to deal with their cash flow by having the ability with the rapid adjudication system to get the money that they deserve. I am pleased that it is rapid—they have to have provision within 10 days of bringing a claim for a progress payment—and that it will not be overly legalistic. They will be able to bring their case to the attention of the adjudicator. They simply have to seek payment. The person seeking payment simply has to make a payment claim. The person from whom payment is sought provides a payment schedule, and then there is a referral of the disputed claim to the adjudicator for decision. Then payment of that progress amount is so decided and paid.

That is something that subcontractors have been looking for for a long time so they can get some justice. It is also important to note the adjudicator's decision that pending final determination of a payment dispute the party with the most commendable case as determined by the adjudicator retains the moneys in dispute.

As I said, I want to commend the minister. This has been long overdue. I hope when we have a review of this legislation we will find it has worked. As I have said in this House on a number of occasions, I will keep coming back and I will continue to make representations until subcontractors get the justice they deserve and they get paid for the work that they do. I commend the bill to the House.

Mr CHRIS FOLEY (Maryborough—Ind) (8.06 p.m.): I rise to speak to the Building and Construction Industry Payments Bill 2004. Two of the great mysteries of business life to me are how tradesmen can say 'I will be there at 9 o'clock in the morning' and turn up two to three weeks later and how subcontractors can survive in business when they continue to be ripped off and not get paid. That has become an endemic problem in the whole industry.

The minister notes in his second reading speech that security of payment has been an issue for many decades, particularly in relation to subcontractors. Whilst 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, and that is true. But of course there are broader issues for the industry than that. I also note the minister has said there are instances in the industry where a claim for payment by a subcontractor or a supplier is disputed by his or her superior contractor, resulting in payments being held up for lengthy periods whilst the dispute is being resolved. There is potential in the industry for these payments to be withheld unfairly to the disadvantage of the claimant. I know from the experience of my brother-in-law, who is a registered builder, about the difficulties between subbies and contractors along the way.

On the matter of adjudicators, my only concern is that the adjudicator has suitable teeth for putting some bite into this legislation. I have said before in this House that I would personally have preferred to have seen a regime where funds are partly paid in and then eventually fully paid into a trust account and that independent trust fund work in conjunction with a suitable adjudicator. However, I think the concept of rapid adjudication is a good thing—to get it sorted out quickly. It does not, as the minister has said, extinguish a party's ordinary contractual rights to obtain a final determination of payment by a court or a tribunal of competent jurisdiction. Obviously that is a fairly reasonable fall-back position in this case.

One of the things that I find particularly distressing about the horrible situation that subcontractors are working under currently is that unscrupulous operators have virtually made a blood sport out of ripping off subbies who often do not have the financial and legal resources to effectively defend themselves. In the second reading speech the minister said that this legislation 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. In my experience of dealing with subbies, it is just so true that often times they do not have the muscle to fight for themselves in this regard.

I notice that the bill states that there will be nothing to stop subcontractors from 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. I would ask the minister if there are any filing fees or other costs in doing so.

Also on the subject of the adjudicator, I ask the minister how they will be selected. In his second reading speech the minister said that an independent adjudicator who has relevant experience and is registered to hear disputes will be contracted by authorised nominated authorities. The minister states that in other states it is also proposed that private adjudicators conduct the adjudication on a user-pays

basis. The question that I ask of the minister is: how much are the adjudicators likely to be paid? Also, will an adjudicator in this situation have the power to award costs as is the case with a normal court situation?

I would like clarification from the minister on clause 60, and particularly subclauses 1 and 2. I note that there are nine issues that are taken into account when considering the suitability of a person nominated to be registered as an adjudicator, but only one of them seems to refer to experience and qualifications. My experience is that that person may be the world's best adjudicator, but if they are not an expert builder they can easily be snowed by conflicting information from warring parties.

On balance, I feel very positive about the legislation. It is one of the bills that has come to this House that I have felt a lot of enthusiasm for, because the whole situation of subbies being ripped off has been a distressing thing for a long time. On balance, subject to the clarification of the issues that I raise, I commend the bill to the House.

Mr LEE (Indooroopilly—ALP) (8.11 p.m.): I am delighted to rise in the House tonight in support of the Building and Construction Industry Payments Bill 2004, which has been reintroduced by Mr Schwarten following the recent election. I place on record my support for the bill's objective, which is improving payment outcomes for all parties involved in the building and construction industries.

Obviously construction is of vital importance to Queensland's economic development and wellbeing. It is a priority of this government to ensure that this industry, which employs significant numbers of Queenslanders, continues to function well. For a long time within the construction industry, security of payment has been a significant issue. I am delighted that this bill will go a good way towards solving some of those problems.

Over the last four years there has been significant construction within my electorate, particularly in the suburb of Indooroopilly. I know that the many subcontractors who work in and around that area will be delighted with the bill.

I also note that the building and construction industries play a key role in Queensland's and also the national economy. Tonight the federal Treasurer delivered his budget. I suggest that if he actually worked a little bit on developing some broader scale industry policy—and the federal government is in a great position to do that—in the medium term, at least, we might be able to work on decreasing what I think is a persistent case of long-term unemployment in this country. I am delighted to support the bill.

Mr NEIL ROBERTS (Nudgee—ALP) (8.13 p.m.): As a number of speakers have said in this debate, we are dealing with an exceptionally important industry. As outlined by the member for Ferny Grove, around 67,000 businesses rely on the building and construction industry for their survival. Of course, that includes many employees who also have a stake in this issue before the House tonight.

As is the case with many issues in our society, it is often the behaviour of the minority that establishes the principles and the need for governments to intervene, particularly when it concerns economic activity in the community. The building and construction industry is no exception. It has been said by many members—and it is true—that the majority of people involved in this industry conduct themselves appropriately. In relation to payment, they pay on time.

Mr Schwarten interjected.

Mr NEIL ROBERTS: That is the majority. The underhanded actions of a few have led to the need for further regulatory reform of the subcontractors' payment scheme in this industry.

All of us have either met or know someone who is directly involved in the building and construction industry, whether they be plumbers, plasterers, electricians and so on. It is a tough business and it is very competitive. In general, those people work on very tight margins. Therefore, cash flow is an important aspect of sustaining their businesses, not just for their own benefit but also in terms of the payment of their employees.

As I have indicated, the underhanded behaviour of some business participants has caused significant harm to and, in some cases, insolvency of businesses. Of course, that impacts not just on those businesses but also on their employees.

Over the past couple of years, the government has introduced a raft of legislation to assist subcontractors to get their money. For example, we have introduced tough financial standards for contractor licensing. We have introduced five-year bans for people involved in the financial failure of a builder, life bans for second or subsequent failures, and asset stripping for grossly defective building work. We have also established the Commercial and Consumer Tribunal which has improved the processes for people in the industry to resolve disputes. Despite these reforms, even the best of processes will falter if unscrupulous people set their minds to it. That is partly the reason behind the reforms that we are seeing here tonight.

This bill provides for a rapid adjudication scheme as an alternative to the current proceedings under the Subcontractors' Charges Act, which sometimes can be very costly and time consuming. As outlined by the member for Keppel, who has had a direct experience in this area, sometimes it can be quite a nightmare and can get bogged down in legal argument and delaying tactics. Under this bill,

subcontractors will have to choose the process that they want to follow, either the new process or that under the Subcontractors' Charges Act. The legislation is substantially based on the New South Wales legislation which, the evidence to date suggests, has improved the resolution of the payment issue in that state, essentially by changing the culture and the relationship between the parties to those disputes.

A number of other speakers have detailed quite extensively the provisions of the bill. I will not cover that in anymore detail. It has been supported by the major stakeholders within the industry. Accordingly, I commend the bill to the House.

Mrs ATTWOOD (Mount Ommaney—ALP) (8.17 p.m.): It gives me great pleasure to rise in support of the bill before the House today. I take pleasure in the assurance that the builders and subcontractors in my electorate will be paid for work done.

The legislation gives the right to certain persons who carry out construction work or who supply related goods or services of timely payment for the work they carry out and the goods and services they supply. This will be achieved through establishing a procedure for securing progress payments to which a person becomes entitled under the bill.

I have often heard of contractors and subbies complaining about the inordinate amount of time that they have to wait for payment for a job often long completed. They are expected to have to pay for the hardware, building supplies and materials used to fabricate, construct, assemble and build whatever is required by the owner. It is only fair that they, in turn, are paid for their labour and supplied materials. I know that disputes can and do arise over the costs associated with building. However, it is appropriate that both parties, the builder/subbie and the contractor/owner, have some mechanism to quickly deal with the issue.

This bill creates a statutory based system of swift mediation for the interim resolution of payment on disputes involving building and construction work contracts. This represents a significant shift from the current system, where responsibility for enforcing payment has been ordinarily 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.

This rapid adjudication will be conducted by an independent referee with relevant expertise. If the decision of the referee is totally or partially in favour of the applicant, the respondent is required to pay the specified amount directed by the referee to the applicant. Decisions by the referee are enforceable as a judgment debt. This process of adjudication does not extinguish a party's ordinary contractual rights to obtain a final resolution of a payment dispute by a court or tribunal of competent jurisdiction. The adjudication process will cover all forms of construction contracts other than contracts for the carrying out of domestic building work where an ordinary resident owner/owner-builder is a party to the contract 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 important benefits of the 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 bill amends components of the Subcontractors' Charges Act 1974 and the Queensland Building Services Authority Act 1991 to facilitate and match up with the rapid adjudication process.

The Beattie government and the Hon. Robert Schwarten, the Minister for Public Works, Housing and Racing, believe that adequate consultation is essential to achieving good, cohesive policy, and it is clearly evident in this bill. I know from the experiences in my electorate concerning public housing that the minister goes the extra bit to ensure concerns are addressed, and it is much appreciated.

Consultations in the preparation of this bill were conducted with representatives from various government departments, including the Department of State Department, Queensland Treasury, the Department of Public Works, the Department of Industrial Relations, the Department of Transport, the Department of Main Roads, Local Government and Planning, the Department of Housing and the Department of Employment and Training.

Extensive community consultation was undertaken with industry stakeholders throughout Queensland. This vitally important consultation included a statewide series of meetings with relevant stakeholders, the release of two discussion papers and articles in the Queensland Building Services Authority quarterly journal. There was far-reaching consultation, without a doubt. This would have been an enormous undertaking for the minister and his staff.

There is no doubt that this landmark bill will impact in a significant manner on payment relationships between parties involved in the performance of construction work. I thank the minister and his dedicated staff for the tremendous effort to consult widely and secure the future of genuine subcontractors.

The government intends to review the operations of this legislation after it has been in effect for 12 months. The general community, the building and construction industry, and particularly contractors

and subcontractors in the Mount Ommaney electorate will benefit substantially from the introduction of this bill. I commend the bill to the House.

Hon. R.E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (8.23 p.m.), in reply: I firstly thank the last honourable member for her wonderful comments. I pass on my condolences to her and her wonderful husband Ron on the loss of her family member. I know how much effort she has put into this night. I appreciate in her time of grief that she has made effort to do this. I table the response to the Scrutiny of Legislation Committee issues raised. I believe the response addresses all of those issue.

I thank honourable members for their general support for the Building and Construction Industry Payments Bill 2004. I am pleased to respond to the issues raised in this debate. For the past two years the Queensland Building Services Authority has been working hard to deliver yet another tool which will improve payment outcomes for workers in the building and construction industry. While I cannot and will not guarantee 100 per cent security of payments in 100 per cent of cases, this legislation develops, as I said, yet another tool for contractors and subcontractors which complements existing legislation introduced by the Beattie government.

As I have said in this place many times, the reality is that there is no system in the world that will guarantee 100 per cent of the payment 100 per cent of the time. We would be fooling ourselves if we believed that that is the case. I heard the member for Maryborough talk about trust. Trust funds, where they have tried them in the world, do not work. They simply hold up the contractual business. It ends up that money is put into the pockets of lawyers rather than the pockets of workers in the building industry.

All we can do is continue to do what this parliament has done since I have been minister and before that. I thank the opposition for its support. It has always been there when I have asked for it. The Liberal Party and the Independents have shown the same support. When Judy Spence was bringing legislation of this nature into this parliament the support was unanimous. While we need to have robust debate on it, it is important that at every step we go forward.

The bill is a watershed for the industry in Queensland and clearly indicates the Beattie government's ongoing commitment towards improving the industry in Queensland. The Queensland building and construction industry is worth $18 billion to the state's economy annually and provides direct and indirect employment for around 135,000 hardworking Queenslanders—or if members listened to the member for Nudgee the figure is 147,000. There are a lot more people in this industry than in the racing industry. I know my friend opposite will disagree with me. There are only 4,800 licensed in that industry but there are 55,000 builders. Over 135,000 are directly employed in this industry. So the members who have contributed to this debate tonight did so with the certainty that they are helping significant proportion of their electoral population.

The Building and Construction Industry Payments Bill 2004 directly addresses issues of non-payment and will make a significant difference to the working and payment culture of the building and construction industry. I am very proud to have the support of members to bring this important piece of legislation into the House.

I would like to specifically address a number of issues raised by the member for Darling Downs. They are quite legitimate issues to raise. The member advised me that he wrote that speech himself. I know from being in opposition that is what one has to do. I congratulate him on the thoughtfulness he put into that task.

I will give an assurance to those subcontractors who have legitimate claims for payment and who afford themselves of the opportunities presented by this bill that they will find a vast improvement in their cash flow. A number of speakers have referred to the New South Wales experience. I do not claim this as my idea. I have spent my time as a minister looking around not trying to reinvent the wheel but borrow from other people's experience to ensure that we do not make the same mistakes and that we improve where we can. This is another example.

That legislation has been extremely positive in effecting improvements in the payment regime. The member for Maryborough raised an issue about the adjudication of funds. He was suggesting that perhaps it might be prohibitive. The market experience in New South Wales of an average claim of under $5,000 is costing a typical subcontractor just over $300 in adjudication fees. Adjudication cannot award legal costs but can apportion adjudication fees to be paid by one or other of the parties. The member for Maryborough would like to see those funds paid into trust funds. I do not accept that. I am happy to talk to him further about that later on.

I am not able to give any assurance on the level of complaints, but I believe these will be dramatically reduced. This is based on the experience interstate. The issue of the outstanding claims on the Suncorp Stadium project have been aired a number of times. I have been on *Stateline* and the honourable member has been on *Stateline*. We will never agree on this. I heard what the member said about if he were the minister he would have done it differently. I doubt that that would be the case.

I advise that there are two of these claims. One is by subcontractor Sun Engineering and the other is subcontractor Abbey Contractors, which is a very big company. We are not talking about a small

subbie. Abbey Contractors is one of the biggest builders in Australia. They happen to have been in a subcontractual arrangement in this affair.

Both of these involve court action by the subcontractor, which is their right, against the joint head contractor. The state is not involved in these actions other than the withholding of moneys in accordance with the provision of the Subcontractors' Charges Act. One of the parties believes that the provisions of that act are being manipulated against them. That is another matter.

I stress that this government has had no direct contractual responsibilities with subcontractors. We never do in these arrangements, especially in managing contracts such as this. At all times we have tried, within the bounds of the law, to assist these subcontractors who believe that they are somewhat disadvantaged.

I might just make the point that there are less people now employed by Sun Engineering. That ought not to come as a surprise to anybody, because in the building industry there are peaks and troughs. Of course, there were always going to be more people employed at Sun Engineering when it had the biggest project in Queensland on its books. It is a simple fact of life that that is the case. With regard to the ordinary mums and dads, the bill specifically excludes these individuals. The policy rationale for adopting such a position is that the ordinary mums and dads—I do not like that word 'ordinary'. Someone else wrote this speech for me, Ray, rather than my writing it myself. There is nothing ordinary about my mum or anybody else's mum. We had a wonderful Mother's Day the other day with my great mum. And there is nothing ordinary about my old dad either.

But the fact is that they may only ever build a new home or renovate an existing home once or twice in their lifetime. So we actually did not want to capture them in this legislation, which is designed to deal with the big end of town as it were where we are experiencing this problem. Therefore, it would be most unfair for them to be caught by the application of the bill, because any failure on their part to respond to a payment claim—which sort of gets to the point that the opposition's spokesman was making—within 10 business days by serving a payment schedule on the builder would result in the full amount claim becoming due and payable despite the fact that they might have good reasons for denying payment. This process is suitable for the commercial sector and in the residential sector between the builder and the subcontractor, because they should be well aware of their contractual rights.

Let me clearly state that a subcontractor working directly for a builder who is carrying out domestic building work for an ordinary mum and dad—and there is that word again; I will get rid of that word 'ordinary'—for a mum and dad has the right to lodge a payment claim under the act and therefore seek a rapid adjudication of the payment dispute against the builder. So a subbie in a domestic building circumstance is not denied, but the person who is not involved with it is the mum and dad in the contractual arrangement.

At the outset I want to make it perfectly clear that by introducing this bill the government is determined that it is not proposed to make any amendments to the Subcontractors' Charges Act 1974, nor is there anything in the bill preventing a subcontractor from utilising this longstanding legislation if they deem lodging a charge as an appropriate course of action. There are parallel pieces of legislation. One of them is about tying up the money and the other one is about freeing up the money, if you like. I asked the same question that the member did when we put this legislation together—that is, could we not run those things in parallel? We cannot, because if someone uses the Subcontractors' Charges Act on a builder, that money is then put aside. It is set aside. So then if they go after them through this adjudication process, there is no money to free up. It does not stop them at any time, however, coming back in and using the Subcontractors' Charges Act if, for example, they thought the builder was going broke.

It is going to be a matter of judgment for the subcontractor concerned, because they are going to have to work out whether or not the builder is deliberately holding them out, and the adjudication process helps in that regard. If the builder is simply not going to pay, they can get straight into adjudication. However, if they think that the builder is going broke, then they are more likely to go with the Subcontractors' Charges Act. But I hear what the member says about the Subcontractors' Charges Act. I have given a commitment to review this, and we will review that act at the same time.

The policy position adopted in respect of denying subcontractors the ability to have both a notice of claim or charge under the contract or act and an adjudication application on foot at the same time is to ensure that there is no possibility of the legislative initiative being activated at the same time by the subcontractor. That gets to the point of what I was saying before. Basically, if the subcontractor could rely on legislative initiatives at the same time, it would be possible for a subcontractor to prevent the flow of moneys from the principal to the builder but at the same time the builder would be obliged to comply with an adjudication decision to pay the contract. That is exactly the point that I made before. In other words, you cannot tie the money up in one hand and expect the builder to free it up with the other.

The discussion paper was intended to obtain feedback. The member opposite referred to the discussion paper, and rightly so. People believed some of the things contained in the discussion paper, and I have had people knock on my own door about this and say, 'That was in the discussion paper but

you didn't do it.' Discussion papers are about engendering people's discussion. It has been reported that section 67H could be used, and this relates to the variations. This is a rather complicated piece of the legislation. It has been reported that section 67H could be used as a mechanism by a contracted building contractor to refuse to carry out a directed variation to the work under a contract where the agreement of the contracted party is not required if the variation is not agreed to in respect of certain terms. In essence, the contracted party refuses to perform the varied work as required under the contract by purportedly relying on this statutory provision. It was never intended that this statutory provision should clash with such a widely utilised contractual provision enabling a principal to direct a contracted party to perform a variation within the scope of the contract.

Basically, shadow minister, what the story is here is that if you were to use the process correctly, it could be stymied by a subbie saying, 'We will not perform that work at an agreed price,' or 'We will set the agreed price.' For example, let us take this room. It was in the scope of work and we want to put in another tier. The builder says, 'That is in the original scope of work. We know it's going to cost more money.' However, they have been directed to do it. They would direct them to do that in writing.

The defence in this rapid adjudication process would then be that it is in writing. Of course it is going to cost more money. The fact is that in that scope of works if you direct the person to do the work then that subcontractor must carry out that job. But in so doing, that person has the right to demand from you a written statement to that effect. Currently, that is the case anyway.

Mr Hopper: Can you just repeat that?

Mr SCHWARTEN: If I am the builder and the member opposite is the subcontractor and I want to put another row in here, I can say to you, 'That's within the original scope of the works.' It depends on what the contractual arrangements are. But, by and large, that is the case. It is within the scope. I cannot say to you, 'Go and build another Parliament House across the road.' But I can say, 'Within the scope of the works here, put another tier of seats in here.' What a written contract would then do under the variation procedures is set a sum to do that.

What the subcontractor could then do is set a sum at, say, $5million to do that work. If the builder does not agree to do it, it would never be built. So the protection that the subcontractor has, however, is this: that subcontractor then goes to the rapid adjudication process and says, 'I've put the extra level in here and I reckon it's cost me $8million.' If he has put that on and the builder will not pay him but says that he will give the subbie $2million, the subbie can go to the adjudicator and the adjudicator says, 'It's worth $8million,' and the builder has to pay the money. So it is a protection that was not there previously, and I believe it will get over a lot of the problems in that it will get summary justice a lot quicker in that regard. The experience in New South Wales is that it has worked to that effect.

In relation to set-offs, the right to be given a notice under section 67J still remains. It has been modified so that a notice does not have to be given in two situations: firstly, where the work is taken out of the contractor's hands; and, secondly, where a subcontractor's charges claim has been lodged and the moneys are to be used to make payments into the court. In relation to suitability criteria for authorised nominating authorities and adjudicators, they will be registered by the adjudication registrar and will be registered against a comprehensive suitability criteria that will ensure only professional and competent organisations or individuals will be able to play a role in the rapid adjudication process.

For example, persons wishing to be adjudicators must obtain an adjudication qualification, must not be convicted of a relevant offence, must not have been refused a similar licence or registration, and must disclose if they have ever been bankrupt. So in answer to the question raised by the shadow minister, this is making sure that these people are at arm's length from the government and from the industry and making sure that they have the necessary integrity checks.

I have made a commitment to review this legislation in 12 months. Any amendments that can improve the effectiveness of this legislation—and this answers the query raised by the member for Gladstone—will be seriously considered. I can assure the House that a comprehensive education campaign will be undertaken by the Building Services Authority prior to the commencement of this bill, which is intended to be 1 October 2004.

In conclusion, this is not, as I said at the outset, the complete answer to all the problems in the building industry. The shadow minister made reference to the ark. I would like to think that Noah built it by himself with his own hands. That is the way that I was brought up to believe he built it. But the member can guarantee that, if Noah built the ark by himself, he got paid. If Noah employed subcontractors, then the chances are that he probably tried to pay them as little as he possibly could. In case I get struck down, I will not continue with those biblical references.

I want to thank each and every member who has participated in this debate in a very intelligent and thoughtful way. It is progressive legislation. The Minister for Police and Corrective Services started this process of reform back in 1999 when she was the minister in charge of the building industry. We will progressively and incrementally continue to tighten the noose around the necks of the undesirables in the industry and continue to provide weapons of mass destruction to the subcontractors where possible. I commend the bill to the House.

Motion agreed to.

Committee

Hon. R.E. SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) in charge of the bill.

Clauses 1 to 14, as read, agreed to.

Clause 15—

Mr LANGBROEK (8.43 p.m.): I am interested in following up something that I mentioned during my speech. Section 4A of the Building Services Authority Act has a default period of 15 days for builders and 25 days for subcontractors. I note that this legislation, which seems to be taken from the New South Wales legislation, has a default period of 10 business days. I just thought that that may lead to some confusion. I know that the Master Builders Association had indicated that it would like consideration to be given to that default period being a copy of the Building Services Authority Act.

Mr SCHWARTEN: I apologise to the honourable member for not answering that question previously. Basically, the Master Builders Association of Queensland, with whom I have a great rapport—it is a wonderful organisation—proposed a paid-if-paid clause. That is what that is all about. I have indicated to them that I do not support that provision. At the end of the day, all that means is that we will end up with the big builders simply not paying their way. As the member reflected in his speech, from time to time developers, big builders and all of those people would use their might and power against the small subcontractors. This legislation is about protecting the small subcontractors. On this occasion I disagree with the Master Builders Association. I agree with them 99 per cent of the time, but I disagree with them on this one.

Clause 15, as read, agreed to.

Clauses 16 to 21, as read, agreed to.

Clause 22—

Mr HOPPER (8.45 p.m.): We have studied this bill in detail, but there are a few things that I want to clear up. In relation to clause 22, who actually is in charge of appointing an adjudicator? What criteria must the person meet to qualify as an adjudicator? From what I have read in the bill, this person will be put in a very serious judgment position. He could be dealing with matters amounting to hundreds and thousands of dollars. So could the minister explain exactly how we are going to go about appointing these people. I just see a terrible danger if the right person was not put in this position. That person is going to be making judgments. It is a very, very important position to take on. I would just like the minister to explain that.

Mr SCHWARTEN: Authorising a nominated authority is the answer to it. As I indicated in my reply, these organisations will be nominated authorities that will have expertise in those areas. It will be expected of those organisations that they will appoint adjudicators to a specific set of criteria that is established by us. In other words, those people will have to undergo integrity checks. They will have to have experience. I agree with the member that they will have to be chosen carefully. We will ensure that that is done.

The reality is that these nominating authorities could come from any group of people, but they will not come from the government. Somebody suggested to me that they should come from the Building Services Authority. I have stated that that cannot be the case, because at the end of the day the BSA is there to regulate. We want these people to adjudicate, because their final recourse might come from there.

So we will ask for expressions of interest from people or organisations that currently exist to be nominating authorities. A number of organisations readily spring to mind. The Salvation Army might decide to become involved in it and recruit people with the necessary experience to carry it out. The criteria for those people is that they will have to be beyond reproach and have to have knowledge of the building industry.

Mr HOPPER: Just to expand on that, from what the minister is describing to me now, they are not necessarily going to be absolutely industry based. They do not have to come out of this industry to meet that criteria. Is that what the minister is saying?

Mr SCHWARTEN: The Institute of Arbitrators and Mediators is the organisation. It would almost beggar belief to suggest that anybody could do this job without having an intimate knowledge of the building industry. They will have to be people who have had significant experience either in dealing with legal matters in the building industry or have been part of the building industry. There will be qualifications required. There are subjects available to be studied in this regard. As I said, we will set the highest possible standards and the legislation allows for us to do this.

Clause 22, as read, agreed to.

Clauses 23 to 34, as read, agreed to.

Clause 35—

Mr HOPPER (8.49 p.m.): I refer to the adjudicator's payment. How will the adjudicator establish his fees? Will it be a percentage or a set rate, or will it be decided before the application is heard? If all parties cannot agree on an amount, who decides what will be reasonable at that time?

Mr SCHWARTEN: An adjudicator is entitled to be paid for adjudicating an adjudication application. The amount by way of fees and expenses is agreed between the adjudicator and the parties to the adjudication or, if no amount is agreed, the amount for fees and expenses that is reasonable having regard to the work done and expenses incurred by the adjudicator. The claimant and respondent are jointly and severally liable to pay the adjudicator's fees and expenses. The claimant and respondent are each liable to contribute to the payment of the adjudicator's fees and expenses in equal proportions or in the proportions the adjudicator decides. An adjudicator is not entitled to be paid any fees or expenses for the adjudication of an adjudication application if the adjudicator fails to make a decision on the application other than because the application is withdrawn or the dispute between the claimant and respondent is resolved within the time allowed by section 25(3) of the act.

The entire adjudication process is underpinned by the concept of a user pays system. Parties that become embroiled in disputes over the payment of progress payments will meet the total costs involved in resolving these disputes. At this stage there is no intention to legislate or regulate the adjudicator's fees. However, that is something that will be subject to review within the next 12 months. As I said before, the $300 fee for the $5,000 sum adjudicated in New South Wales gives us a fair idea in that regard, but we do not want to have a schedule of rates. We would prefer that the parties resolve it between themselves.

Clause 35, as read, agreed to.

Clauses 36 to 45, as read, agreed to.

Clause 46—

Mr HOPPER (8.52 p.m.): We are talking about the suitability of a person to be registered. Before appointing an authorised nominating authority, the registrar must be satisfied that the applicant is a suitable person. So if the applicant does not have a conviction for a relevant offence and has not been refused or had cancelled registration or a licence then he can be appointed. It indicates that industry groups such as the Master Builders Association could apply and become an ANA. The ANA appoints the adjudicator. Am I right in saying this?

Mr Schwarten: No.

Mr HOPPER: Could the minister please explain?

Mr SCHWARTEN: Master Builders or any peak group such as that will not be entitled to become an ANA. That is the point I made before. We do not want people with a conflict of interest in this regard. It will be separate from the building industry.

Clause 46, as read, agreed to.

Clauses 47 to 111, as read, agreed to.

Clause 112—

Mr HOPPER (8.54 p.m.): Clause 112 sets out the transitional provision for adjudication qualification. It mentions a three-month period. Who will the minister get to stand in as adjudicators during this transitional stage? Where will these people come from? Obviously we have to get people to stand in until this is totally established. If a transitional adjudicator is appointed, is it a condition of that appointment that he obtain adjudication qualification within that three months?

Mr SCHWARTEN: My initial reaction to that would be no, he would not in a temporary arrangement situation. Whatever the arrangement is, it will be of a temporary nature. It was considered necessary to allow a minimum of three months for appropriate industry consultation by the adjudication registrar to finalise the drafting of the adjudication qualification and the assessment of bodies suitable to conduct courses in adjudication. This means that the regulation of the adjudication qualification is expected to take effect from 1 October 2004, coinciding with when provisions of the act relating to adjudication of payment matters are also proposed to commence. The drafting of the act was necessary to make this provision.

It is envisaged that a small number of eminently qualified persons will be initially registered as adjudicators, which goes to the point I made before. They would have due regard for the fact that the people they would be appointing on a temporary basis would be the sort of people who would qualify once the process was put in place. It is to be noted that conditional registration will only be granted subject to thorough scrutiny of the applicant's background, experience and, most importantly, qualifications, especially pertaining to their ability to competently decide adjudication applications.

In terms of whether or not they will have to do the course the member is talking about, the answer is yes. That is provided, of course, that we can find people who are suitably qualified in that regard.

Clause 112, as read, agreed to.

Clause 113, as read, agreed to.

Schedule 1—

Mr HOPPER (8.57 p.m.): In relation to clause 7 of schedule 1, on what grounds does the minister think contractors and subcontractors should commit themselves to doing any work on a building site—I know that the minister discussed it before, but I want him to clarify it—without written agreement that they will get paid for the work they do and the materials they supply? Also, I thank the minister for going through these questions. It was brilliant.

Mr SCHWARTEN: Not a problem at all. If I was working in the building industry and I was a subcontractor, I would not accept any direction unless it was backed up in writing.

Mr Hopper: That is a worry.

Mr SCHWARTEN: It is not a worry, because the BSA Act actually specifies that you are covered in demanding it in writing to yourself that that is the case. I think people are getting confused about the fact that written variations are external to the contracts—where they are asking you to do something that was not in the original or could not be described in the original contract. Written variations as they apply in that are not covered under this because it is not something reasonable that you could be asked to do.

As I said earlier, it is designed to make sure there is rapid adjudication of the problems and that no party can hold the job up. Believe you me, I have been through a process where I have seen subbies—they are not all angels, either—actually hold a job to ransom. In my own case, where I had a house being renovated, the plasterers just did not turn up. The builder had to try to grapple with that until they bothered to turn up. Currently we are seeing a lot of that in an overheated building industry at the moment. The subbies are God on jobs these days in a lot of cases. Of course, the next group of people who come on are the people who work for them. So we cannot have a situation where the subbies control the job, either. If we were to rely on the written variation—the agreement on price in it—then we could be there until the good Lord returned trying to resolve the problem.

Let us pick the stadium over there, for example. Say we said on level 6 that the original contract provided for 3,000 seats and suddenly it was changed and the joint venture said, 'We need to get 4,000 seats up there and fewer seats on level 4.' This did not happen; this is just a hypothetical. The subcontractor who was doing that job could say under the written variation arrangement, 'We will not do that for anything under $5 million,' and that would be the written variation because it must specify the price. Therefore, you could hold the job up indefinitely because a price could not be agreed on. This protects the subbie in accepting a direction. I go back to what I said before: I would not do anything on a job unless I got it in writing. I would also make sure that I use the provisions of the BSA Act to protect myself. Believe me, a lot of people on the job now just do not do it. They do not write variations into the project and that is half the problem that we have.

To answer the member's question, yes, they should always do it in all circumstances, but rapid adjudication will allow them to get to an adjudication process quickly and to say, 'We have done the work. There is the written instruction to do the work.' We say that work is worth $5 million. The contractor, on the other hand, says that it is worth $5. Clearly he is wrong and we are right, but the adjudicator will sort it out very quickly. If the contractor does not comply, then the provisions of the act kick in.

I think this is a far better system. My experience even with written variations is that they are still subject—and we are seeing it at the moment with Abbey and Sun Engineering. Even though they have written contracts, that still does not protect them from going to the court and saying that they lose money. The problem with the fixed price that is agreed to and that is written in, using my own case as an example, is that I could have knocked the builder off because the price ended up being a lot more than what he said it was going to cost. I paid the difference because he is an honest bloke and we have been mates for a long, long time and he was telling the truth. But he misquoted it and, if I had wanted to, the law says that is what I could have paid him. The subbies are in the same boat.

I know there is nothing to be alarmed at in this legislation. The fact is that I have been through it and through it and through it. The provision is there to ensure that the builder can do a job but the protection is there, with the rapid adjudication, to ensure that the subbie can get into rapid adjudication if the builder is going to rip him off.

Schedule 1, as read, agreed to.

Schedule 2, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Schwarten, by leave, read a third time.

ADJOURNMENT

Hon. J.C. SPENCE (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (9.05 p.m.): I move—

That the House do now adjourn.

Australian-Italian Festival, Ingham

Mr ROWELL (Hinchinbrook—NPA) (9.05 p.m.): The 10th Australian-Italian Festival in Ingham was immensely popular, with people coming from all over Australia and overseas to make this event once again a great success. The festival is acknowledgment of the assimilation of people who came from Italy—in fact, many countries—to work in the early days in this land of opportunity. An excellent pictorial display was available for viewing of the days when, prior to mechanisation, the cane cutters and the gangs were people who worked very hard to harvest the sugar crop by hand. This was part of the wide ranging displays being exhibited during the festival.

The festival extended from Saturday, 1 May with the cane cutters reunion dinner until Sunday, 7 May. The president of the committee, Pino Giandomenico, acknowledged the support of Festivals Australia, the Department of the Premier and Cabinet, Arts Queensland, the Gaming Community Benefit Fund and the Ports Corporation—all of whom contributed to support the successful outcome of this major festival for north Queensland. This support is vital for the continuation of the festival.

There was also a wide range of contributors from local business and a very affordable $2 per head was charged for entry to hours of top-class entertainment. The Chinese tenor Hao Zhou and the three sopranos from Melbourne provided excellent professional entertainment on a number of occasions. The audience's attention was also attracted by numerous other items from local entertainers on the centre stage. The weather in the latter part of Friday night dampened proceedings, but with perfect weather on Saturday there was ample opportunity to sample the variety of Italian cuisine from the numerous street stalls in the main street of Ingham.

In the three days, 25,000 people attended the festival. Jane Clark, the events coordinator, the committee and the 70 volunteers gave generously of their time to ensure a successful outcome for this major event on the calendar of events for north Queensland. The colourful parade on Saturday afternoon was led by Joe Castellana and the Zufolo, with dance groups following. The festival gave recognition to the integration of separate cultures that had worked together to achieve successful outcomes for the Ingham district. The festival is a showcase of how people, irrespective of their individual backgrounds and heritage, can work together and derive benefits from their range of diverse cultures within districts such as Ingham. I would like to congratulate all those involved in the festival. It was a real success.

Zillmere and District Training and Employment Pathway Project

Mr NEIL ROBERTS (Nudgee—ALP) (9.08 p.m.): I want to outline to the House the success of the recently completed Zillmere and district training and employment pathway project. The pathway project was undertaken by Brisbane City Council following a $250,000 grant provided by the Department of Employment and Training under its Community Training Partnership Program. BCC provided $75,000 to support the project. The pathway project offered training programs to mature-age, long-term unemployed people, people without sustainable employment, women wanting to re-enter the work force and small business owners and their staff. Forty-seven per cent of participants were women wanting to re-enter the work force and 31 per cent were long-term unemployed.

Three hundred and fifty-seven people enrolled in training programs over a period of 18 months and less than 5 per cent failed to complete their training. Follow-up research showed that 55 per cent of participants had found either full-time or casual work and a further 15 per cent had engaged in further training, which is a 70 per cent success rate.

The courses offered under the program were in business, hospitality, retail, transport and senior first aid. The courses were based on research that was undertaken as a part of the Brisbane City Council's Brisbane middle north local economic development strategy into the kind of employment available and the skills needed for our local area.

The program provided accredited training funded mainly by the Queensland Department of Employment and Training, and unaccredited training funded by the Brisbane City Council. The community training program is a fine example of how a successful partnership between the state government and the Brisbane City Council has delivered significant benefits to the local economy of north-east Brisbane and also to its many participants.

I congratulate the Brisbane City Council officers involved in the project team, particularly project coordinator Jeanette Mellis, support officer Luke Bootle and local economic development officer Lorraine Price. Thank you also to the participants and members of the project advisory committee who gave so much of their time to ensure the project's success.

During the course of the program I had several opportunities to join with participants to celebrate the completion of their training. I want to conclude by quoting one testimonial provided by just one of the course participants, Joan. Joan had been out of the work force for a long period—in fact, many years. She had this to say about what the program meant to her—

I did not have any skills or faith in myself until I met Jeanette Mellis and her wonderful team. The courses they offered me boosted my self-esteem and also gave me the skills that I needed to go out into the work force and find a job. I am no longer afraid to apply for work because of the wonderful course that this program provided.

That is just one example of the successful partnerships and outcomes achieved under the government's Community Training Partnership Program.

The Village Artists; Cooroy Community Youth Centre

Miss ELISA ROBERTS (Gympie—Ind) (9.11 p.m.): The role of member for parliament is never boring and it means that we always get invited to the very best of events. Last week I attended a wonderful function in Umbil, located in the beautiful Mary Valley within my electorate. The Village Artists invited members of the community to the opening of their annual exhibition titled Home Is Where the Art Is. This exhibition showcased fantastic art work by our extremely talented locals who are known as the Village Artists. The Village Artists describe themselves as a group of ordinary people who are interested in learning and practising many facets of the visual arts.

Once a week this self-help friendly group gather because, as they will tell you, they simply want to. Their mission statement is to encourage the average person wishing to discover the world of the arts and to assist them in developing their skills, to prove that anyone can do whatever they set their hearts on and that it is not beyond them. They aim to bring the local community the expertise of tutors whom one would normally have to travel to find, thus making available to all, no matter what walk of life, the opportunity to learn and succeed in their dreams.

The opening was an extremely enjoyable evening and I was immensely impressed by the calibre of the artists' work. I will proudly display in my electorate office the delightful painting that I purchased titled *The First Snow* by Janet Ronke.

Earlier the same night I also attended a public meeting in Cooroy to discuss issues surrounding the Cooroy Community Youth Centre. Noosa Shire Councillor Brian Lindfield is one of the instigators of organising an incorporated association to achieve the completion and development of Dwyer House at the Cooroy Sporting Complex.

Once completed, this community space will be a place to nurture and mentor youth, the disadvantaged and the disabled. It will be a place to meet and socialise in a safe and pleasant environment, and a place to learn new skills, to teach others, to entertain and to be entertained. I wholeheartedly support this endeavour and wish the newly formed association all the very best. I am extremely happy to offer any assistance they require in achieving this goal.

Bribie Island Community Jobs Program

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (9.13 p.m.): This state Labor government has a good and lengthy track record in providing jobs for Queenslanders. Bribie Island, in the electorate of Pumicestone that I represent, is a place where there has been a concerted effort by Premier Peter Beattie's plan to continue to fund more community job programs, or CJPs, in the area.

Mr Terry Sullivan interjected.

Mrs CARRYN SULLIVAN: I am glad that the honourable member admires my phone because my 20-year-old daughter bought it for me.

In the past 12 months the state government has funded three CJPs, totalling more that $350,000. From these CJPs, 32 participants gained accreditation, with 22 gaining further employment and/or further accredited training.

The latest CJP at the Bribie Island Youth Centre is an absolute credit to all participants. It has greatly enhanced the positive and sustainable use of the facility by young people, with a beneficial flow-on to the wider community. The state government has once again provided considerable resources to fund the project, with a total of $95,000 being provided, and the success is evident.

Eight young people participated in the CJP and I was very proud to have been able to meet them personally. David Griffiths, Ben Hansell, Daniel Wood, Nathan Pennery, Andrew Fraser—not the Andrew Fraser here—Michelle Wild, Wade Davies and Melaney Knight all participated in a 20-week program to redesign and landscape the outside recreation area, create a mural reflecting the youth of Bribie and paint the outside and inside of the youth centre. What a wonderful transformation it was. This is an important facility on the island, being the only youth specific space in this area.

The state government has worked in partnership with community groups and local government to provide opportunities for job seekers, and I hope that this exercise will put those eight young people in

good stead to gain further employment. In fact, Mr Andrew Bradshaw, who is to be congratulated on his efforts through the Department of Employment and Training with regard to helping these young people, has informed me that two of the eight participants have recently gained further employment.

Each participant was presented with a certificate that showed accreditation in the areas of job search, problem solving and planning, workplace health and safety, social planning, elective modules in construction and landscaping and the environment. I am very proud of the work done at the youth centre and I have heard many positive comments from residents as to what a good job was done. I hope it encourages other young people to use this well-resourced facility which is run by a group of very dedicated volunteers for the benefit of the entire community.

Charters Towers Club 20

Mr KNUTH (Charters Towers—NPA) (9.16 p.m.): I rise to speak on an urgent need for funding to provide Charters Towers Club 20 with valuable resources to continue its admirable work within the community. Club 20 serves as an outlet for those with mild mental disorders to make contact with others like themselves and to become involved in a wide range of activities. The club seeks funding of $25,000 in total, $5,000 being for core expenses and the remainder to employ an industry experienced activities coordinator on a part-time basis. This coordinator would be able to utilise his or her extensive experience to benefit the members of the club and to help them become involved in a variety of activities suited to their needs.

Since the implementation of Project 300, people with what is considered as a mild mental illness are left to fend for themselves and to try to re-enter the world without so much as a helping hand. Queensland has one of the highest rates of mental illness and one of the highest rates of suicide. Considering those facts, it is surprising to see that we trail every other state and territory in terms of per capita spending on specialist mental health services.

Club 20 is an integral part of the community and assists those who are often forgotten or overlooked. Members generally start off by socialising and graduate to assuming responsibilities. For those affected by mild mental disorders, this is seen as a huge feat in the long road that is ahead of them and provides a sense of belonging and self-worth.

The independent club gives its members the feeling of mutual acceptance, confidence and of being valued. A lot of members lack life skills and Club 20 is a place they can go to re-establish or build on those skills so that they can improve their quality of life. I call on the government to allocate funding—only $25,000—to this group so that they can employ a part-time coordinator to assist with their self-help activities. The group has exhausted many avenues trying to access funding, only to have their applications denied. The fate of Club 20 will be decided by the outcome of this application.

Motor Neurone Disease Association of Queensland

Mrs REILLY (Mudgeeraba—ALP) (9.19 p.m.): I have recently become the patron of the Motor Neurone Disease Association of Queensland. I consider it a great honour to be asked to promote the causes of such an association and I take very seriously my responsibility, which is to raise awareness of both the illness and the devastating effect that it has on sufferers and their families.

Motor neurone disease is the name given to a group of diseases in which the nerve cells controlling muscles of movement are slowly destroyed.

Those are the muscles that allow us to move, to speak, to eat and to breathe. The nerve cells are called motor neurones and they are located in the brain and spinal cord. In a nutshell, with no nerves to activate them the muscles just weaken and waste away. Symptoms start in the hands, feet and the throat and spread to the arms, legs and chest, affecting breathing, swallowing and mobility. The early symptoms are mild. They can include stumbling due to the weakness in the leg muscles, difficulty holding objects because the hands have been affected or the slurring of speech because the tongue and throat muscles are affected.

The effect of motor neurone disease, or MND, varies enormously in terms of the symptoms and the onset, the progression and the survival time. It can be extremely hard to diagnose and can be easily confused with other afflictions. There is no cure for MND and so a diagnosis of motor neurone disease is essentially a death sentence.

The cruelest vice of this disease is that it does not affect the memory or the mind, nor the other senses—hearing, sight, taste, sensation. Its effect on sufferers and families is devastating because they are fully aware of the breakdown of their bodies. Those who are afflicted with MND progressively experience a range of permanent disabilities of which they are acutely aware.

MND is an adult disease. It is rarely found in people aged under 30. Above that age it does not discriminate. Both men and women from all walks of life can be affected. Ten years ago the number of deaths from MND was 355, one per day. It is difficult to estimate the number of sufferers in Australia, but at any one time it is thought to be 1,000 people. More men than women die from MND. There is no cure,

although there are a number of drugs that are making the rounds which relieve symptoms and slow the progression of the disease and in some cases reverse some symptoms. All of these are in trial stages.

Until a cure can be found, the best thing we can do is to alleviate the symptoms and improve the mobility and quality of life of people with motor neurone disease and their families and carers. That is where the Motor Neurone Disease Association of Queensland comes in providing counselling and support, specialised equipment and technical aids and information. They have a small base in Brisbane. They receive little if any government funding. They support dozens of families. I know that the member for Surfers Paradise has spoken of the disease and the effect on his family.

Jet Skis

Mrs STUCKEY (Currumbin—Lib) (9.22 p.m.l): I rise in the House tonight to draw attention to a problem with jet skis in Currumbin Creek. The idyllic location of Currumbin Creek attracts thousands of people whether they are locals or visitors within Australia or overseas. Currumbin Creek lures beachgoers to its shores because of the illusion that it offers calm water conditions for families, especially those with small children. This is correct, except when the estuary has strong outgoing tides that can be treacherous. It is also a popular spot for fishermen as the creek offers two fishing platforms located along a boardwalk that winds its way across the mangrove flats near Palm Beach State High School.

Each and every weekend families and groups set up picnic sites along the creek bank to spend a leisurely day out. However, in recent months this tranquil environment has been disrupted by jet skiers who blatantly ignore the six knot speed limits. Currumbin residents are up in arms over the dangerous use of these jet skis. A recent example was when a group of six kayaks and beachgoers were constantly buzzed for a period of more than four hours by jet skiers who totally disregarded the safety of other creek users. Onlookers reported that the jet skiers enjoyed upsetting the kayakers.

The police were called and the incident reported. However, by the time the police arrived both the kayakers and jet skiers had moved on. The water police must be given the resources they need to ensure the safety of all marine craft users. The police do not turn a blind eye to people who endanger the lives of others. Therefore, the only explanation for not sorting out the rogue jet skiers using the Currumbin waterways is a lack of resources.

We live in a beautiful coastal city with over 57 kilometres of clear waters and golden sands. The Gold Coast lifestyle is inherently an outdoor culture with many people flocking to the numerous beaches and creeks to spend their leisure time—not to mention the large number of tourists that the Gold Coast area attracts. I am calling on the state government to ensure that there is a greater water police presence on the southern coast to ensure the safety of the many people who utilise the waterways. This is an important safety issue that needs immediate attention before a fatal accident occurs. Jet skis must be policed and the police must have the resources they need to police them.

Marburg State School

Mr LIVINGSTONE (Ipswich West—ALP) (9.24 p.m.): I draw to the attention of the House the outstanding achievement of the Marburg State School in reaching its 125th anniversary. This school joins the ranks of five other schools within my electorate—Haigslea, Walloon, Tivoli, Minden, and Grandchester—that have celebrated their 125th anniversaries within the last three years. This is a great achievement, especially when we consider that it is within a relatively small area.

It is a true indication of the vision and foresight of our early settlers in this area, in providing educational facilities for their children to ensure their future prosperity. The Marburg State School is justifiably proud of its long history of delivering quality education to the children of Marburg and surrounding districts for so many years. The school actually commenced its life in 1879 under the name of Frederick school. In 1920, a new site was purchased for 250 pounds, and the new school known as Marburg State Rural School commenced in 1922.

Marburg school's very first teacher was a Mr James Stuart, who commenced with a general enrolment of 31 students. I have no doubt he would be gratified to see the progress that has been made since then, as evidenced by the Smart State programs that are so much a part of our school system today. Those early days would have presented many difficulties for parents in sending their children to school, and in continuing to contribute to improvements over the years, especially through the Depression and other difficult periods such as two world wars. Despite these hardships, each generation of parents has understood the importance of providing an education for their children, and even today the school would be greatly disadvantaged without the wonderful contribution of parents, friends and volunteers.

From an era where children would have had to rely on only the most basic school room materials, the students of today have excellent educational resources and are provided with everything necessary to take them forward into the 21st century. Today's global communication provides a far more challenging environment for our students, and allows them opportunities that could not have even been

envisaged in 1879. I congratulate the Marburg State School, its teaching staff and the supporting Parents and Citizens Association, for their efforts in providing students with every opportunity to participate, and to achieve successful careers in the future.

Mental Illness

Miss SIMPSON (Maroochydore—NPA) (9.27 p.m.): Winston Churchill said that the empires of the future would be the empires of the mind. We often thought that his statements were profound. It was likely that he was referring to the challenges of philosophies and how they formed people's thoughts in nations. I think it is truly proven prophetic when we consider that mental illness has had such an impact on communities.

Suicide has had such a terrible toll upon our communities. The issue of mental illness and depression comes into greater highlight. Today in the Western World mental illness is one of the greatest challenges our communities are facing in the health arena. When we look at our economic prosperity relative to Third World countries, it is startling that the Western World is finding that the issue that it is most challenged by is this.

I state my support for the Standby Suicide Group which has done outstanding work on the Sunshine Coast. Its particular focus is recognising that there is a very real need for preventative work, particularly with families that have already been touched by suicide. Statistically we know that those who have had a suicide in the family are at greater risk of suicide themselves. Those family members or friends who have known that person are at a far heightened risk of being susceptible to considering this most final and terrible way out of their problems in their lives.

When we have a group that has such a network that is aimed particularly at breaking that terrible cycle, it is worthy of support of all levels of government. I would ask that this state government work to see the funding reinstigated for the Standby Suicide Group, because it has done outstanding work. It has been successful, and it is something that we cannot take too lightly. While it is a very difficult issue to ever have a perfect solution to, we know that the secret agony that people live with when it comes to mental illness and depression, particularly when it comes to those who consider suicide, means that we must strive as a society to find better ways to try to prevent that and better ways to break the cycle with the impact upon families. It is a cycle that has been proven to be so deadly as other people tend to follow the path of those in their family who have taken that option.

Time expired.

North Goonyella Mines Rescue Team, International Mines Rescue Competition

Mr MULHERIN (Mackay—ALP) (9.30 p.m.): In June this year teams from all over the world will compete in the International Mines Rescue Competition in Glogow in Poland. Among them will be Australia's own current mines rescue champions, the North Goonyella Mines Rescue Team who all hail from the Mackay district. The achievements of the North Goonyella Mines Rescue Team are truly remarkable and deserving of recognition. The team has won every possible title within Queensland and at a national level. In 2003 the team won the George Carbine Memorial First Aid Shield at Dysart, the Neil Marshall Memorial Shield for best overall at Dysart, the Chief Inspector's Trophy for best individual theory mark in the Queensland district, the Matt Best Memorial Shield for best captain in the Queensland district, the E. K. Healy Cup for best team in the Queensland district, and the Australian Interdistrict Shield for best team.

They are wonderful champions and ambassadors for the Mackay region and the state of Queensland. I want to extend my congratulations to the team members: Captain Geoff Nugent, Vice-Captain Peter Purdie, James Ticehurst, Andrew Neville, Steven Kell, Kim Taiepa and Mark D'Elboux. The hard work and commitment of team members is evident by their amazing tally of accolades. I know the team is also very grateful to its employer and major sponsor, North Goonyella Coal, which is a Peabody company, which allows the team time to train so it is able to maintain such a high competition standard. I commend the management at North Goonyella Coal for their strong support of the team and the full endorsement of the team's effort to pursue its goals of international success by attending the International Mines Rescue Competition.

The competition is to be held in Glogow in Poland between 3 and 5 June 2004 and is being hosted by one of Poland's largest companies, KGHM. The North Goonyella Mines Rescue Team will compete against the best from Poland, the Ukraine, the USA, South America and Peru, South Africa, China, Russia, the Czech Republic, Slovakia and possibly Canada. Preparing for the competition requires a significant amount of time for training to bring team members up to speed with the competition rules, which differ somewhat from Australian rules.

Attending the competition will also prove a costly exercise, with an estimated total cost of $70,000. A significant amount has been provided by North Goonyella Coal in line with its ongoing commitment to the success of the team. The team also received an enormous contribution from the CFMEU Queensland district, as well as sponsorship from the Queensland Mines Rescue Service,

Valley Longwall Drilling, Drager, Chubb and the Queensland government's Department of Natural Resources, Mines and Energy. It really is an amazing opportunity for these dedicated men to prove their ability against international competitors and also gain a valuable insight into the methods and techniques employed by teams from throughout the world.

This experience can only serve to enhance and improve their knowledge of mines rescue and their proficiency in rescue procedures, which is something that they can share with their Australian colleagues. I could not be more delighted that the accomplishments of a group from the Mackay district will be showcased at this prestigious competition. We should all feel proud that they will be representing Queensland. I wish the North Goonyella Mines Rescue Team every success.

Motion agreed to.

The House adjourned at 9.33 p.m.