



# WEEKLY HANSARD

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## 51ST PARLIAMENT

Subject

### CONTENTS

Page

## Tuesday, 28 September 2004

<b>ASSENT TO BILLS .....</b>	<b>2349</b>
<b>OFFICE OF GOVERNOR .....</b>	<b>2349</b>
<b>FILMING OF PARLIAMENTARY PROCEEDINGS .....</b>	<b>2349</b>
<b>PHOTOGRAPHING IN CHAMBER .....</b>	<b>2350</b>
<b>EMERGENCY EVACUATION DRILL .....</b>	<b>2350</b>
<b>PETITIONS .....</b>	<b>2350</b>
<b>PAPERS .....</b>	<b>2350</b>
<b>MINISTERIAL STATEMENT .....</b>	<b>2353</b>
Trade Mission, Japan and India .....	2353
<b>MINISTERIAL STATEMENT .....</b>	<b>2354</b>
Energex; Mr G. Maddock; Mr D. Nissen .....	2354
<b>MINISTERIAL STATEMENT .....</b>	<b>2368</b>
Energex; Mr G. Maddock, Mr R. Dunning .....	2368
<b>SCRUTINY OF LEGISLATION COMMITTEE .....</b>	<b>2369</b>
Report .....	2369
<b>PRIVATE MEMBERS' STATEMENTS .....</b>	<b>2369</b>
Energex; Mr G. Maddock .....	2369
Eighth Biennial Australasian Schizophrenia Conference .....	2369
Public Liability Insurance .....	2370
<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>2370</b>
Energex; Mr G. Maddock .....	2370
Energex; Mr G. Maddock .....	2370
Education, Funding .....	2371
Energex; Mr G. Maddock .....	2372
Roads, Funding .....	2372
<b>Energex; Mr D. Nissen</b> .....	<b>2373</b>
National Police Remembrance Day .....	2374
<b>Energex; Mr D. Nissen</b> .....	<b>2374</b>
Drought Assistance, Darling Downs .....	2375
<b>Water Allocation</b> .....	<b>2375</b>
Federal Election; Education Policy .....	2376

# Table of Contents — Tuesday, 28 September 2004

National Livestock Identification System .....	2377
Department of Child Safety .....	<b>2377</b>
Member for Noosa, Comments about Liberal Party MPs .....	2378
Racing Industry .....	2378
Women's Health Centres .....	2379
AFL Kickstart Program .....	2379
Fishing Closures .....	2380
<b>MATTERS OF PUBLIC INTEREST .....</b>	<b>2380</b>
Energex; Mr G. Maddock .....	2380
Brisbane Urban Corridor Study .....	2382
Federal Election; Interest Rates .....	2383
Public Housing .....	2384
Women's Suffrage .....	2385
Noosa Town Plan .....	2385
Employment for Immigrants .....	2386
<b>Tobacco and Other Smoking Products Act .....</b>	<b>2387</b>
Federal Election; Great Barrier Reef, Oil Drilling .....	2388
Parliamentary Crime and Misconduct Committee .....	2389
Liberal Senators in Regional Queensland .....	2390
<b>TAB QUEENSLAND LIMITED PRIVATISATION LEGISLATION AMENDMENT BILL .....</b>	<b>2391</b>
First Reading .....	2391
Second Reading .....	2391
<b>STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL .....</b>	<b>2392</b>
First Reading .....	2392
Second Reading .....	2392
<b>JUSTICE AND OTHER LEGISLATION AMENDMENT BILL .....</b>	<b>2392</b>
First Reading .....	2392
Second Reading .....	2392
<b>RACING AMENDMENT BILL .....</b>	<b>2394</b>
First Reading .....	2394
Second Reading .....	2394
<b>SUMMARY OFFENCES BILL .....</b>	<b>2395</b>
First Reading .....	2395
Second Reading .....	2395
<b>CHILD SAFETY LEGISLATION AMENDMENT BILL (NO. 2) .....</b>	<b>2398</b>
First Reading .....	2398
Second Reading .....	2398
<b>LIQUOR AMENDMENT BILL .....</b>	<b>2402</b>
First Reading .....	2402
Second Reading .....	2402
<b>TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT (MISCELLANEOUS PROVISIONS) BILL .....</b>	<b>2403</b>
First Reading .....	2403
Second Reading .....	2403
<b>LOCAL GOVERNMENT (COMMUNITY GOVERNMENT AREAS) BILL .....</b>	<b>2406</b>
First Reading .....	2406
Second Reading .....	2406
<b>COMMUNITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL .....</b>	<b>2409</b>
First Reading .....	2409
Second Reading .....	2409
<b>PLANT PROTECTION BILL .....</b>	<b>2411</b>
Second Reading .....	2411
Consideration in Detail .....	2414
Third Reading .....	2435
<b>PETROLEUM AND GAS (PRODUCTION AND SAFETY) BILL .....</b>	<b>2435</b>
<b>PETROLEUM AND OTHER LEGISLATION AMENDMENT BILL .....</b>	<b>2435</b>
Second Reading (Cognate Debate) .....	2435
<b>ADJOURNMENT .....</b>	<b>2452</b>
Toowoomba Carnival of Flowers; Quarry Gardens .....	<b>2452</b>
Fire Awareness Week .....	2453
Gold Coast Polo Club; TS Tyalgum Naval Cadets .....	2453
"The Settlement", Springbrook .....	2454
Toowoomba Turf Club .....	2455
Kidz to Kidz .....	2455
Papillon Mining and Exploration Pty Ltd; Mining, North Arm .....	2456
Daintree Rainforest .....	2456
<b>Latham Labor Government, Fishing Industry .....</b>	<b>2457</b>
Wanpa-rda Matilda Outback Education Centre .....	2457

## TUESDAY, 28 SEPTEMBER 2004

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

### ASSENT TO BILLS

7 September 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 Bill, having been passed by the Legislative Assembly and having been presented for the Royal Assent, was assented to in the name of Her Majesty The Queen on 3 September 2004:

"A Bill for an Act to amend the Integrated Planning Act 1997, and for other purposes".

The Bill is 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)

Governor

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14 September 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 13 September 2004:

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

"A Bill for an Act to provide for the limitation of liability of members of occupational associations in particular circumstances and to help in improving the standards of services provided by the members, and for other purposes"

"A Bill for an Act to amend the Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Keno Act 1996, Lotteries Act 1997, TAB Queensland Limited Privatisation Act 1999, and Wagering Act 1998, and for another purpose".

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)

Governor

### OFFICE OF GOVERNOR

**Mr SPEAKER:** I lay upon the table of the House the annual report of the Office of the Governor for 2003-04.

### FILMING OF PARLIAMENTARY PROCEEDINGS

**Mr SPEAKER:** Members, I advise that throughout this week there will be periodic filming of the proceedings of the House. This film is being conducted with my permission by the students from Griffith University multimedia school. Extracts from the footage taken will be used by the Parliamentary Education Service for educational purposes. Editing and use will be supervised by Parliamentary Education Services. Your understanding and assistance is appreciated.

## PHOTOGRAPHING IN CHAMBER

**Mr SPEAKER:** Honourable members, in addition to the TV cameras, a still photographer from the *Courier-Mail* will be in the chamber from 9.30 a.m. to 11.30 a.m. today.

## EMERGENCY EVACUATION DRILL

**Mr SPEAKER:** I also take this opportunity to thank members, staff and media for their cooperation during last sitting's fire evacuation drill of Parliament House. Emergency evacuation drills of the parliamentary complex are necessary to ensure that correct procedures are undertaken to maximise safety for members, staff and visitors. I have since been presented with an evaluation of the drill and, with the exception of a few minor incidents, the drill demonstrated an efficient emergency preparedness of the parliamentary complex.

## PETITIONS

The following honourable members have lodged paper petitions for presentation—

### Medical Practitioners, Runaway Bay

**Mrs Croft** from 12 petitioners requesting the House to advise the Federal Government that the shortage of General Practitioners in the Runaway Bay area is significantly impacting on local residents and the remaining doctors, and request that the Federal Government declare this a District of Workforce Shortage in an attempt to attract more doctors.

### Train Services, Landsborough

**Mr McArdle** from 709 petitioners requesting the House to have the Cairns Tilt Train and Sunlander stop at Landsborough to allow people living in the city of Caloundra and surrounding areas to access the trains.

### Liquor Licence, Howard Street, Nambour

**Mr Wellington** from 121 petitioners requesting the House to call upon the Minister for Tourism, Fair Trading and Wine Industry Development to instruct the department to reject the application for a liquor licence at tenancy 2, 102 Howard Street, Nambour.

The following honourable members have sponsored e-petitions which are now closed and presented—

### Huntington's Disease

**Mr English** from 83 petitioners requesting the House to provide funding for research into the degenerative brain disease, Huntington's Disease.

### Mental Health Association, Gold Coast

**Mrs Smith** from 194 petitioners requesting the House to take all steps possible to provide funding to allow the valuable service provided by the Gold Coast Branch of the Mental Health Association to continue.

### Recreational Duck and Quail Shooting

**Mr Lee** from 1075 petitioners requesting the House to act urgently to amend the Native Conservation Act 1992 and ban permanently the practice of recreational duck and quail shooting in Queensland.

### ME/Chronic Fatigue Syndrome/Fibromyalgia Association

**Mr Lee** from 348 petitioners requesting the House to provide sufficient funds to enable the employment of a part time manager for the ME/Chronic Fatigue Syndrome/Fibromyalgia Association; require DSQ to recognise that Chronic Fatigue Syndrome and Fibromyalgia as disabilities; establish a clinic in a major hospital to treat chronic fatigue syndrome and fibromyalgia patients; provide all doctors and nurses working in the public health system with a basic understanding of chronic fatigue syndrome and require DSQ to provide care assistance packages to the very severely affected chronic fatigue syndrome/fibromyalgia patients.

## 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—

6 September 2004—

- Response from the Minister for Natural Resources and Mines (Mr Robertson) to a paper petition presented by Ms Lee Long from 474 petitioners regarding the rail branch line, Millaa Millaa to Tolga, under consideration as part of a Rails to Trails project
- Response from the Minister for Public Works, Housing and Racing (Mr Schwarten) to a paper petition presented by Mr Knuth from 540 petitioners regarding sponsorship for the Moranbah Race Club to hold its scheduled race day

7 September 2004—

- Response from the Minister for Education and the Arts (Ms Bligh) to a paper petition presented by Mr Reynolds from 1099 petitioners regarding operational funding through Arts Queensland to the Townsville Community Music Centre

8 September 2004—

- Mt Gravatt Showgrounds Trust—Annual Report for the period 1 May 2003 to 30 April 2004
- Late tabling statement regarding the Mt Gravatt Showgrounds Trust Annual Report for the period 1 May 2003 to 30 April 2004

- Report by the Minister for Primary Industries and Fisheries (Mr Palaszczuk) pursuant to section 56A(4) of the Statutory Instruments Act 1992

9 September 2004—

- Response from the Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) to a paper petition presented by Ms Nolan from 22 petitioners regarding the closure of the Brisbane Street, Ipswich TAB Agency

10 September 2004—

- Government response from the Premier and Minister for Trade (Mr Beattie) to Parliamentary Crime and Misconduct Committee Report No. 64—Three Year Review of the Crime and Misconduct Commission

15 September 2004—

- Darling Downs-Moreton Rabbit Board—Annual Report for 2003-04

16 September 2004—

- Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition presented by Mr Quinn from 487 petitioners regarding the proposed disability upgrade of Corinda Railway Station
- Queensland Treasury Corporation—Annual Report 2003-04 (report tabled in both hard copy and CD format)

17 September 2004—

- Response from the Deputy Premier, Treasurer and Minister for Sport (Mr Mackenroth) to a paper petition presented by Mr Wallace from 118 petitioners regarding objections to legislation limiting or banning compound hunting bows or crossbows
- Response from the Minister for Transport and Main Roads (Mr Lucas) to a paper petition presented by Ms Stuckey from 1863 petitioners regarding an eastern based route for the Tugun Bypass

21 September 2004—

- Reports by the Minister for Natural Resources and Mines (Mr Robertson) pursuant to section 56A(4) of the Statutory Instruments Act 1992

22 September 2004—

- Report by the Electoral Commission of Queensland on its Audit of the Conduct of Preselection Ballots relating to the 2004 Queensland State General Election held on 7 February 2004
- Reports by the Attorney-General and Minister for Justice (Mr Welford) pursuant to section 56A(4) of the Statutory Instruments Act 1992
- Queensland Law Reform Commission Report No. 58—National Committee for Uniform Succession Laws—Family Provision

24 September 2004—

- Response from the Minister for Police and Corrective Services (Ms Spence) to a paper petition presented by Mrs Sullivan from 137 petitioners regarding the establishment of a police beat in the area of the Caboolture South Community Renewal project
- Response from the Minister for Emergency Services (Mr Cummins) to a paper petition presented by Mr O'Brien from 661 petitioners regarding a request for the reinstatement of Captain John Takai to the Queensland Fire and Rescue Service, Thursday Island
- Report by the Minister for Natural Resources and Mines (Mr Robertson) pursuant to section 56A(4) of the Statutory Instruments Act 1992

27 September 2004—

- Surveyors Board of Queensland—Annual Report 2003-04
- Response from the Minister for Environment, Local Government, Planning and Women (Ms Boyle) to a paper petition presented by Mrs E Cunningham from 50 petitioners regarding Container Deposit Legislation and implementation of a refundable deposit for beverage containers
- Response from the Minister for Environment, Local Government, Planning and Women (Ms Boyle) to a paper petition presented by Mrs E Cunningham from 231 petitioners regarding the Sandstone abutments of the Heiner Road Bridge, Heiner Road, North Ipswich
- Report by the Minister for Health (Mr Nuttall) pursuant to section 56A(4) of the Statutory Instruments Act 1992
- Report by the Minister for Environment, Local Government, Planning and Women (Ms Boyle) pursuant to section 56A(4) of the Statutory Instruments Act 1992

#### STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Statutory Instruments Act 1992—

- Statutory Instruments Amendment Regulation (No. 3) 2004, No. 173

Health Legislation Amendment Act 2003—

- Proclamation commencing remaining provisions, No. 174

Land Protection (Pest and Stock Route Management) Act 2002—

- Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2004, No. 175

Commercial and Consumer Tribunal Act 2003, Environmental Protection Act 1994, Queensland Building Services Authority Act 1991, Residential Tenancies Act 1994—

- Commercial and Consumer Tribunal and Other Legislation Amendment Regulation (No. 1) 2004, No. 176

Health Practitioners (Special Events Exemption) Act 1998—

- Health Practitioners (Special Events Exemption) Amendment Regulation (No. 1) 2004, No. 177

Appeal Costs Fund Act 1973, Births, Deaths and Marriages Registration Act 2003, Electoral Act 1992, Evidence Act 1977, Freedom of Information Act 1992, Integrated Planning Act 1997, Justices Act 1886, Justices of the Peace and Commissioners for Declarations Act 1991, Land Court Act 2000, Property Law Act 1974, Recording of Evidence Act 1962, Small Claims Tribunals Act 1973, State Penalties Enforcement Act 1999, Supreme Court of Queensland Act 1991—

- Justice Legislation (Costs and Fees) Amendment Regulation (No. 1) 2004, No. 178

Vegetation Management Act 1999—

- Vegetation Management Amendment Regulation (No. 2) 2004, No. 179 and Explanatory Notes for No. 179

Building Act 1975—

- Standard Building Amendment Regulation (No. 2) 2004, No. 180

Local Government Act 1993—

- Local Government Legislation Amendment Regulation (No. 1) 2004, No. 181

Workplace Health and Safety Act 1995—

- Workplace Health and Safety Legislation Amendment Notice (No. 1) 2004, No. 182

Wagering Act 1998—

- Wagering Amendment Rule (No. 2) 2004, No. 183

Liquor Act 1992—

- Liquor Amendment Regulation (No. 3) 2004, No. 184

Building and Construction Industry Payments Act 2004—

- Proclamation repealing SL No. 91 of 2004, No. 185

Building and Construction Industry Payments Act 2004—

- Proclamation commencing certain provisions, No. 186

Guardianship and Administration Act 2000—

- Guardianship and Administration Tribunal Rule 2004, No. 187

Animal Care and Protection Act 2001—

- Animal Care and Protection Amendment Regulation (No. 1) 2004, No. 188

Valuers Registration Act 1992—

- Valuers Registration Amendment Regulation (No. 1) 2004, No. 189 and Explanatory Notes and Regulatory Impact Statement for No. 189

Nature Conservation Act 1992—

- Nature Conservation Legislation Amendment Regulation (No. 1) 2004, No. 190

Integrated Planning and Other Legislation Amendment Act 2004—

- Proclamation commencing certain provisions, No. 191

Integrated Planning and Other Legislation Amendment Act 2004—

- Proclamation commencing remaining provisions, No. 192

Petroleum Act 1923—

- Petroleum (Entry Permission—Various) Notice 2004, No. 193

Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Keno Act 1996, Lotteries Act 1997, Wagering Act 1998—

- Gambling Legislation Amendment Regulation (No. 1) 2004, No. 194

Professional Standards Act 2004—

- Proclamation commencing certain provisions, No. 195

Civil Liability Act 2003—

- Civil Liability Amendment Regulation (No. 1) 2004, No. 196

Nature Conservation Act 1992—

- Nature Conservation Amendment Regulation (No. 1) 2004, No. 197

Nature Conservation Act 1992—

- Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2004, No. 198

Integrated Planning and Other Legislation Amendment Act 2003—

- Proclamation commencing remaining provisions, No. 199

Integrated Planning Act 1997—

- Integrated Planning Amendment Regulation (No. 2) 2004, No. 200

Casino Control Act 1982—

- Casino Gaming Amendment Rule (No. 2) 2004, No. 201

PAPER TABLED BY THE CLERK

The following paper was tabled by The Clerk—

Chair, Public Works Committee (Mr Livingstone)—

- Erratum to Public Works Committee Report No. 84—Construction of a new government office building at 33 Charlotte Street, Brisbane

## MINISTERIAL STATEMENT

### Trade Mission, Japan and India

**Hon. P.D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.36 a.m.): Between 6 and 16 September I made a trade and investment mission to Japan and India along with 24 outstanding Queensland business delegates. I table a report on this trade and investment mission, plus a box of accompanying material with indices. I seek leave to incorporate the rest of the ministerial statement in *Hansard*.

Leave granted.

Success of trade and investment missions is measured in business, exports and job creation—and this mission promises to follow the tradition of success.

As I informed the House on 17 August, my three previous 2004 trade and investment missions had generated—or were in the process of generating—close to \$40 million in business outcomes.

While the latest mission was still in train, business delegates began pursuing encouraging leads and conducting follow-up meetings with organisations we had met.

One mammoth Indian conglomerate, Tata Group, held two meetings with me after our first meeting.

Seiyu, one of Japan's largest supermarket chains, reported a "sharp increase" in sales of beef immediately after the launch of a new promotional campaign for Queensland beef.

These are early results of determined efforts to cultivate existing trade markets—like Japan—and break new ground in frontier markets—like India.

I table a report on this trade and investment mission, plus a box of accompanying material with indices.

I also remind Members that in August Queensland's unemployment fell to the lowest point in at least 26 years, as we created a staggering 94% of all new full-time jobs in Australia.

The results are the best testimony to Smart State strategies.

In Japan and India I encouraged both 21st Century exports and innovation in traditional trade products—because both are integral to the Smart State.

For promoting beef in Japan, Cabinet's decision on the National Livestock Identification System was a huge selling point.

The new standard in "traceability" was well-received when I met with executives of Seiyu, and again in a meeting with Nippon Meat Packers—which is investing \$48 million and creating 500 new jobs at the Oakey meatworks.

Executives of Japan's biggest gelatine maker also welcomed assurances about the new system.

I witnessed a joint venture agreement which signals the return of major Japanese investment in Queensland tourism infrastructure after a 10 year hiatus.

In Japan I also:

- inspected the Australian pavilion for world Expo 2005;

- advocated Queensland's capabilities in value-adding in the sugar industry;

- encouraged representatives of a group of major Japanese power companies to buy more coal from Queensland, and to look to us as a source of carbon credits in the future;

- promoted the Smart State's nanotechnology abilities;

- promoted AusBiotech which will be held in Queensland in November; and

- promoted Queensland food and wine.

My work in India included a series of high-level meetings with corporations that are among the wealthiest and most influential in Asia.

These exchanges could lead to tremendous benefits in Queensland.

The organisations we met include: Sahara India;

Tata Group; and Infosys.

I hosted a reception to promote Queensland's world-class film industry capabilities and locations to "Bollywood", the Indian film industry.

In Karnataka, India's booming "Smart State", I officially launched the Queensland Government Trade and Investment Office.

The office—the first opened by an Australian state government in Karnataka—will cover the whole of India.

The opening was welcomed at the first Karnataka-Queensland Trade Forum, which I helped open.

I also witnessed signings of two agreements between Queensland and Indian higher education centres.

These will fuel one of our most dynamic and promising of export products—education.

The *Australian* newspaper recently described Queensland as "export-oriented and outward-looking".

We have achieved such recognition largely because we are home to innovative, proactive business people such as those who accompanied me in the delegations to Japan and India.

## MINISTERIAL STATEMENT

### Energex; Mr G. Maddock; Mr D. Nissen

**Hon. P.D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (9.36 a.m.): Before I deal with the details of my ministerial statement I would like to put on record how shocked and saddened I was by the tragic death of Greg Maddock, the Energex CEO, on 17 September. I have written to his widow, Lyn Maddock, on behalf of Heather and myself and the government to express our sympathy and I would like to reiterate to Greg's family again today our sincere condolences and the condolences of all members.

Greg was a very experienced local government administrator who took on one of the biggest commercial tasks in Queensland. Fittingly, tributes flowed at his funeral. He had earned the loyal support of his staff through his hard work, his clever mind and his jovial attitude.

I have worked with Greg and I liked him. The fact that I admired his abilities is demonstrated by the fact that the government asked him to tackle the job of fixing the problems in Energex's electricity distribution and service delivery system identified by the Somerville review, which was considered by Cabinet on 25 July. For several days following the release of the Somerville report there was a storm of criticism that I had not sacked senior executives of Energex. I refused to bow to this criticism and stuck by Mr Maddock. He enjoyed my full confidence.

The facts are that Mr Maddock and the rest of the team at Energex had recognised, before the Somerville report was released, that there were problems to be tackled and they had been extremely proactive in starting to rectify them. It was clear to me throughout August that Mr Maddock and his team were working hard and were achieving the goals that had been set. I table examples of the way in which Mr Maddock and his team set out to tackle this problem and how well he was succeeding. That is what I would ask Queenslanders to remember about Greg Maddock as CEO of Energex.

Last week I asked the media to respect the fact that the funeral was yet to take place. When I did that I promised that I would answer their questions in a full statement to Parliament. This is what I do today. I have an obligation to be accountable. Delivering this statement is difficult for me and I would prefer not to have to stand here today giving this detailed explanation of Mr Maddock's expenses but, because public money is involved, the full story has to be told.

The questioning of Energex about some of Mr Maddock's expenses was properly initiated by the independent Auditor-General. It was not a political decision. The Auditor-General acted independently.

This process started when the senior executive payroll of Energex was reviewed by a senior Queensland Audit Office staff member as part of the normal 2003-04 audit of Energex Limited. Staff of the Auditor-General's office met the Chair of Energex on 16 August to discuss expenses reimbursed to Mr Maddock. The Auditor-General wrote to Energex shareholding ministers on 3 September, enclosing a copy of a letter he had written on 1 September to Mr Nissen which, he said, outlined his concerns in relation to specific expense reimbursements that had been paid to Mr Maddock during 2003-04. I table copies of the letters of 1 September and 3 September from the Auditor-General.

I point out that in his letter of 1 September to Mr Nissen the Auditor-General made it clear that reference to this matter would be considered for inclusion in a future Auditor-General's report to parliament. Also in his letter of 1 September the Auditor-General said—

Having considered the terms of Mr Maddock's Contract of Employment and based on the information available to me, it is my opinion that the expense reimbursements are personal in nature and not of the type described in clause 9.3 and Schedule D of the contract.

I also note that Clause 30 of the contract requires any variation of the Agreement to be in writing and signed by both parties and that you advised my officers there have been no such variations to the contract.

A claim later emerged that a verbal agreement existed which enabled Mr Nissen to authorise expense claims from Mr Maddock.

The Auditor-General's letter of 3 September to the shareholding ministers highlighted the fact that expenses totalling \$30,644.95 incurred between 10 March 2001 and 8 October 2003 were claimed by Mr Maddock in relation to the purchase of furniture, tile floor coverings, electrical works and other work performed on Mr Maddock's Brisbane home. The Auditor-General pointed out that Mr Nissen had approved these reimbursements. The Auditor-General told the ministers that, while his office had been advised these payments related to Mr Maddock's relocation from Sydney to Brisbane in December 2000, it was his view that they were personal in nature and not of the type envisaged by the terms of the contract.

The letter noted the Auditor-General was seeking the advice of the board as to whether all other amounts paid to Mr Maddock during his employment with Energex were in accordance with the terms and conditions of his contract. The Auditor-General asked for any comments the ministers may wish to make by 30 September.



On the day that he wrote the letter, the Auditor-General phoned both the Minister for Energy and the Treasurer, as shareholding ministers for Energex. He advised the Treasurer he was sending a letter to shareholding ministers outlining his concerns with specific reimbursements for expenses paid to Mr Maddock. This was the first time the government was advised of the matter. The Treasurer phoned me that day and told me of his conversation with the Auditor-General.

It should be obvious to anyone that once the Auditor-General, as an officer of this parliament, has raised such concerns there is an unstoppable process that must be allowed to run its course. Any attempt by the government to short-circuit that process would rightly be condemned as an attempt at a cover-up or even worse. Thankfully, in Queensland that sort of interference came to an end with the Fitzgerald report of 1989. I have a duty and obligation as Premier to ensure that due process is followed, that the government is open and accountable, that the law applies to everyone and, especially, that public money is properly accounted for and not misused.

The Auditor-General's letter of 3 September was received by shareholding ministers on 6 September 2004. On 7 September the Minister for Energy met the Auditor-General to be apprised of his concerns. On 8 September 2004 both shareholding ministers met Mr Nissen to seek an explanation of the concerns raised by the Auditor-General. During the meeting the ministers asked Mr Nissen to forward to them documents and statements regarding the payments in order to allow them to formulate a response to the Auditor-General. That same day, 8 September, shareholding ministers received a letter from Mr Nissen attaching a number of relevant documents. I table a copy of Mr Nissen's letter and all of the attachments.

One of the attachments is a letter from Energex company secretary Peter Turnbull to Clayton Utz which states that several key principles were agreed as underlying the contractual arrangements. These principles included—

The CEO would be established in a residence in Brisbane which was appropriate for a CEO, and would be suitable to assist the CEO to undertake considerable corporate entertaining. Energex would not purchase the dwelling, but would assist with the purchase costs, security and reasonable ancillary needs associated with corporate entertainment.

All of these attachments were passed by the shareholding ministers to the Under Treasurer for advice. This was obviously an appropriate response and one which flowed from the original concerns of the Auditor-General. On 9 September, the following occurred—

- both shareholding ministers along with the Under Treasurer and Director-General of Energy met to discuss the matter;
- the Under Treasurer asked Crown Law for advice on the material available as to whether any breach of legislation had occurred in the payment of the expenses in question;
- shareholding ministers wrote to Mr Nissen seeking additional advice and relevant documentation pertaining to the knowledge or involvement of other board members in the structuring of the relocation provisions or the approval of payments under those provisions—I table a copy of that letter; and
- Clayton Utz provided Energex with legal advice regarding payments to Mr Maddock. I table a copy of that advice.

The advice from Clayton Utz to Mr Turnbull says categorically—

You have asked for advice on interpretation of a contract of employment entered into between the Company and the CEO on October 5, 2001(sic) and an oral agreement entered into between the Chairman and the CEO.

The letter was actually wrong. It got the date wrong, but it will be evident from the material. That is clear.

On 10 September the shareholding ministers received further documents from Mr Turnbull on behalf of Mr Nissen. These, too, were forwarded to the Under Treasurer. On 13 September 2004, based on the Crown Law advice and other material at hand, the shareholding ministers wrote to the Under Treasurer requesting that he investigate and report on the issues raised by the Auditor-General pursuant to section 185(2) of the Government Owned Corporations Act 1993. I table a copy of that letter.

I highlight the fact that the ministers spent a full week collecting and examining the available details before deciding to request an internal administrative investigation of the reimbursements in question. Again, in light of the matters raised this was an appropriate action.

On 13 September the Under Treasurer wrote a letter to the Auditor-General advising him that the investigation pursuant to section 185(2) of the GOC Act was under way. I table a copy of that letter. On 14 September the shareholding ministers met the Under Treasurer and the Director-General of Energy and investigators to obtain a briefing on the investigation. Also on 14 September, shareholding ministers wrote to the Under Treasurer requesting that the investigation extend to all payments to the CEO identified in the advice of Clayton Utz to Energex as well as advice from Ernst and Young to Energex. I table a copy of that letter.

I advise the House that the Clayton Utz advice referred to \$41,945.19 in payments additional to the \$30,644.95 in payments identified by the Auditor-General as being made under the verbal

contractual arrangements between Mr Nissen and Mr Maddock that had been raised in the Clayton Utz advice. That is a total of \$72,590.14.

On 14 September Mr Nissen, Mr Maddock, Mr Brian Kilmartin—a director of Energex—and Mr Turnbull were interviewed separately by the Under Treasurer's investigators. On 15 September Ms Sally Pitkin, a director of Energex, the Group Manager Human Resources, and the Human Resources Services Manager were interviewed by the Under Treasurer's investigators. Mr Maddock was also interviewed a second time on that day.

On 16 September 2004, the acting Under Treasurer provided the shareholding ministers with a preliminary report, indicating further activity was required, including seeking Crown Law advice on the investigation findings. I table a copy of the preliminary report. The preliminary report advised that there were a number of key activities yet to be completed for the investigation.

I returned from leading a trade and investment mission to Japan and India on the night of 16 September. On 17 September shareholding ministers wrote a letter to the Auditor-General asking for the opportunity to delay a response to his original letter of 3 September until 6 October to allow for the shareholding ministers to consider the matter after the Treasurer's return from an overseas business mission with Queensland Treasury Corporation. I table a copy of that letter.

On 17 September Mr Nissen was interviewed for a second time. Because I was about to take on the role of acting Treasurer, the Treasurer sent me a memorandum on 17 September containing details of the investigation, the process and the next steps. I am told this was drafted before the news of Mr Maddock's death. I table a copy of that memorandum.

While the Treasurer has been overseas, I have been in frequent and regular contact with him to ensure that he has been fully informed of developments and to enable him to have input into the decisions. September 17 was the day that Greg Maddock died. On Monday, 20 September, the Energex board appointed Peter Turnbull, who is the company secretary as well as the General Manager of Legal and Corporate Affairs, as acting chief executive officer.

On 21 September, as acting Treasurer, I wrote to the Auditor-General updating him on the progress of the investigation and the next steps that were being taken. I table a copy of that letter. I also wrote on 21 September to Crown Law seeking urgent advice in relation to the payments, advising in the process that any further information arising from the Under Treasurer's investigation would be provided to Crown Law. I table a copy of that letter. I also wrote on 21 September to the acting Under Treasurer supporting the finalisation of the investigation. I table a copy of that letter.

Mr Speaker, as you can appreciate, the death of Mr Maddock would have been upsetting for a whole lot of people but also to the officers involved in the Under Treasurer's investigation, and I met with them. I also wanted to reiterate the appropriateness of their task. I noted that, regardless of the circumstances, the shareholders had taken the right action and that the priority was to complete the investigation as quickly, as sensitively and as professionally as they possibly could.

On 21 September I also wrote to the Police Commissioner advising of the government's full cooperation with the Queensland Police Service's coronial investigation of Mr Maddock's death. I table a copy of that letter. After a request was made by the police to the acting Under Treasurer, a copy of the preliminary report was provided to the police on my instructions.

On 22 September the *Courier-Mail* stated that Greg Maddock was under investigation. Later that day, after a Gold Coast function, I was asked by about a dozen reporters about the allegation. I said I could confirm that the Auditor-General raised certain matters with the government and the government had taken appropriate action. I said that, out of respect for Mr Maddock's family, I did not believe it was appropriate at that time to say anything further. I undertook to make a statement at an appropriate time reporting to the parliament, with the Auditor-General also reporting to parliament at an appropriate time.

As part of the investigation, on 21 September 2004 the Under Treasurer sought further advice from the Crown Solicitor in light of additional information at hand since the date of his preliminary advice on 10 September 2004. The Crown Solicitor was asked to advise whether the evidence indicated any wrongdoing had occurred and, specifically, whether any person had breached any relevant legislation or codes of conduct.

On 24 September 2004, the Crown Solicitor advised—

On 25 October 1999, Cabinet approved Remuneration Guidelines for Directors and Senior Executives in GOCs. A covering letter dated 14 December 1999 was sent to Mr Nissen as Chairman of Energex, and Mr Nissen acknowledged that letter on 28 March 2000. Mr Nissen confirmed that Energex agreed to the Guidelines. In September 2003, Cabinet approved amended Remuneration Guidelines, which were communicated to Energex about the time of the negotiations with Mr Maddock.

He went on to state—

I think the only conclusion one can reasonably reach is that the Remuneration Guidelines, and in particular the reporting requirements, were not complied with in relation to the arrangements with Mr Maddock, regardless of when those arrangements may have been made.

In addition, the Crown Solicitor also stated—

As I have already indicated, I think that it is arguable that Mr Nissen failed to comply with the Cabinet's Remuneration Guidelines for Senior Executive Staff in GOCs in that he, as Chairman of the Board, did not report fully, or ensure that full reporting to the shareholding Ministers and the Premier was made by the company, about the true extent of the arrangement with Mr Maddock about reimbursement of expenditure on Mr Maddock's home, for whatever reason.

The Crown Solicitor advised that in all the circumstances the Chair of Energex had arguably breached his director's duties imposed on him under section 180 and 181 of the Corporations Act. Section 180 of the Corporations Act imposes a civil obligation only and requires that directors or officers of a corporation must exercise their powers and discharge their duties with the degree of care that a reasonable person would exercise. In regard to the Corporations Act, the Crown Solicitor stated—

... it seems clear that the Chairman was part of the selection panel, and that he had authority to negotiate with the candidate. However, he had no authority to enter into contractual arrangements with Mr Maddock which went beyond what would have been acceptable to the Ministers in terms of the total remuneration package.

It is clear that the Board was obliged to report to the Ministers on the details of any remuneration arrangements. I cannot see how the Chairman could maintain any assertion that he was authorised, as Chairman, to make additional arrangements which would not be reported to the Board or the Ministers, and which had financial implications for Energex.

... it appears to me that there is an arguable case that the Chairman did not discharge his duties with the degree of diligence required of him in all the circumstances.

He evidently did not inform the Board of the precise nature of the arrangements with Mr Maddock. He did not inform the shareholding Ministers of those arrangements. He arguably did not exercise any high degree of caution in assessing the claims which he did approve: there were claims which even Mr Maddock conceded were doubtful under even the most generous interpretation of the arrangements.

The Chairman might in response claim that his decisions in relation to the initial agreement to the arrangements fell within the business judgment rule in subsection (2), but I think in that respect he might be challenged in his claim that he made his judgments in good faith for a proper purpose, given that he can hardly have been in any doubt about the attitude of shareholding Ministers had they been told of the proposal to assist Mr Maddock in refurbishments at his home.

It is not unreasonable to conclude that he withheld the details precisely because he knew that the Ministers, and very likely the members of the Board, would not approve.

Furthermore, section 181 of the Corporations Act provides that directors or officers of a corporation must exercise their powers and discharge their duties (a) in good faith in the best interests of the corporation and (b) for a proper purpose. On 181 of the Corporations Act, the Crown Solicitor stated—

It could be arguable that in all the circumstances the Chairman did not act in good faith in negotiating the additional arrangements with Mr Maddock because he must have known that the arrangements would not be acceptable to the Ministers, or to the majority of the Board, and that he did not act in good faith in failing to inform the Board and the Ministers.

However, the Crown Solicitor did indicate that although the matter could be reported to the Australian Securities and Investments Commission, he believed the matter would be better left to the government and, in particular, the shareholding ministers to deal with. He went on—

Certainly, the shareholding Ministers could consider whether they continue to have confidence in the Chairman and perhaps some other directors, and whether they might wish to act to remove any directors.

Further, the Crown Solicitor advised that the Chairman of Energex may have breached Energex's code of conduct. He advised—

There might be an argument that using Energex funds for improvements at the CEO's home is not a responsible or legitimate use of those funds...

In summary, therefore, it is arguable that Mr Nissen breached the code of conduct by authorising the use of company funds for purposes which were not in the best interest of the company.

On corporate governance, the Crown Solicitor advised—

It seems to me that there have been failures to keep the Board fully informed about (the way) the remuneration arrangements with Mr Maddock were handled. Whether that failure can be described as a failure in corporate governance is problematic. Perhaps to the extent that the Chairman, and perhaps Mr Kilmartin, may not have understood what their obligations were, that might be considered a failure of the Board to make its requirements clear. However, it seems to me to be a failure of corporate governance if a director deliberately fails to carry out his or her duty.

Summing up, the Crown Solicitor said—

It is clear, I think, that the full scope of the understanding said to have been reached with Mr Maddock was not communicated to the Board of Energex or to the shareholding Ministers. In my opinion, the Chairman had a clear duty to do so.

The Crown Solicitor said that, even on the broadest basis, some of the claims made by Mr Maddock could not be justified, and even Mr Nissen should have rejected them or at least questioned them. He said—

It appears to me that the information available indicates that there have been serious shortcomings on Mr Nissen's part in his understanding of the position of Energex as a corporation owned by the State, and of the requirements on him to report to the Board and to the shareholding Ministers about the precise terms of the employment arrangements with Mr Maddock.

In relation to the conduct of Mr Maddock, the Crown Solicitor advised—

I do not think it could be shown that Mr Maddock acted dishonestly in making his claims for reimbursement. He evidently believed that he was entitled to make the claims he made. They were authorised by Mr Nissen, the Chairman of the Board.

Further, the Crown Solicitor advised—

... the conduct of Mr Maddock did not constitute misconduct under the terms of his contract.

On Monday, 27 September—yesterday—the Under Treasurer provided the shareholding ministers and me with a final report on the investigation undertaken pursuant to section 185(2) of the Government Owned Corporations Act 1993. The report found that—

1. Mr Maddock received reimbursement for expenses incurred between 9 November 2000 and 21 June 2004 totalling \$157,502.19 which are the subject of this investigation.  
Clearly, some of the expenses are of a personal nature, in particular those expenses totalling \$72,590.14 in relation to the principal place of residence of Mr Maddock.
2. There appears to have been an oral arrangement in addition to, or as an expansion of, the written contract of employment that provided for claims of a personal nature to be approved for reimbursement by Energex. It is important to note that the terms of the written contract of employment and the oral arrangement with Energex are not in dispute by the parties to the contract (or contracts). Whether the making and the terms of the oral arrangement were appropriate, particularly in relation to the employment of a chief executive officer of a state-owned entity and the failure of the Energex board to be notified and approve the terms of the remuneration arrangement, is a matter of conjecture.  
However, in the view of the investigation team the remuneration arrangement is considered inappropriate for a public sector entity.
3. The Energex board has failed to apply proper standards of corporate governance in that the board has not adequately applied the *Remuneration Guidelines for Directors and Senior Executives in Government Owned Corporations* as approved by cabinet and as specified in the Energex Limited's Statement of Corporate Intent.
4. In addition to the \$157,502.19, the investigation team identified other payments totalling \$26,616.55 made directly to third parties on behalf of Mr Maddock which were not within the scope of the investigation.

On 27th September 2004, I responded to the Auditor-General about the findings of the investigation by the Under Treasurer. This document is fundamentally important to reporting to the parliament and I seek leave to have it incorporated in *Hansard*.

Leave granted.

#### SHAREHOLDING MINISTERS FOR ENERGEX LIMITED

27 Sep 2004

Mr L Scanlan  
Auditor-General  
Queensland Audit Office  
Level 11 Central Plaza  
345 Queen Street  
BRISBANE QLD 4000

Dear Mr Scanlan

ENERGEX Limited—Investigation of Chief Executive Officer—Final Report

I am writing on behalf of the shareholding Ministers of Energex Ltd.

I refer to your letter dated 3 September 2004 to the shareholding Ministers of Energex Ltd concerning certain expense reimbursements that were paid to the late Mr Greg Maddock, former Chief Executive Officer, Energex Ltd and seeking our comments on the matters raised.

In the letter to you of 21 September 2004, I advised you of the status of the shareholding Ministers' response. In particular, I noted that to fully investigate the matters and on the basis of Crown Law advice, the shareholding Ministers had requested that an investigation be undertaken by the Under Treasurer pursuant to section 185(2) of the Government Owned Corporations Act 1993 ("GOC Act").

The Under Treasurer instructed a number of Treasury officers to assist him in the conduct of the investigation. Today, the Under Treasurer has, in accordance with the shareholding Ministers' requests dated 13 September 2004 and 14 September 2004, provided the shareholding Ministers with the Report to the Shareholding Ministers of the Investigation into Payments made to the Chief Executive Officer of Energex Limited ("the Report").

#### THE SCOPE OF THE REPORT

Due to the potentially serious nature of the allegations, on 13 September 2004, the shareholding Ministers requested the Under Treasurer to investigate, and report to them on, all matters relating to the payments made to the Chief Executive Officer of Energex Ltd raised in your letter pursuant to section 185(2) of the GOC Act.

Following the issue of this request, Energex Ltd provided to the shareholding Ministers, on a confidential basis, a copy of legal advice to Energex Ltd from Clayton Utz Lawyers dated 9 September 2004 and an Internal Audit Report EL 05/01 from Ernst & Young (Issue:09/04). Both documents revealed that other payments had been made between 9 September 2000 and 21 June 2004 to the Chief Executive Officer of Energex Ltd. Consequently, on 14 September 2004, the shareholding Ministers extended the terms of their request to the Under Treasurer to investigate, and report to them, on those other payments made to the Chief Executive Officer of Energex Ltd.

#### INVESTIGATION METHODOLOGY

In relation to the investigation methodology, the following processes and procedures were adopted by the investigation team:

- (a) identification and review of the nature and extent of expenses;
- (b) identification and review of the relevant documents;

- (c) identification and review of the chronology of events and related correspondence;
- (d) review of the policies in place within Energex Ltd and more particularly in respect to the appointment of Senior Executives;
- (e) the review of appropriate legislation eg. Corporations Act 2001, Financial Administration and Audit Act 1977 and GOC Act;
- (f) interview of the relevant Board members and employees of Energex Ltd. The following personnel have been interviewed:
  - (i) Don Nissen—Chair, Energex Ltd (14.09.04 & 17.09.04)
  - (ii) Greg Maddock—Chief Executive Officer, Energex Ltd (14.09.04 & 15.09.04)
  - (iii) Brian Kilmartin—Director, Energex Ltd (14.09.04)
  - (iv) Peter Turnbull—General Manager, (Legal and Corporate Affairs) Group Company Secretary, Energex Ltd (14.09.04)
  - (v) Sally Pitkin—Director, Energex Ltd (15.09.04)
  - (vi) Anne-Marie Clark—Group Manager Human Resources, Energex Ltd (15.09.04)
  - (vii) Lyn Garred—HR Services Manager, Energex Ltd (15.09.04)
  - (viii) Leanne Muller—Chief Financial Officer, Energex Ltd (15.09.04)
  - (ix) David Martin—Corporate Taxation Manager, Energex Ltd (15.09.04)

The interviews were recorded for the purpose of the investigation team obtaining contemporaneous notes. As a courtesy, the transcripts of the tapes were provided to each interviewee to confirm that the document reasonably reflected the discourse during the interview. Interviewees were afforded the opportunity to amend the transcript, without altering their comments, and return it to the investigation team for updating.

Additionally a summary of the key issues coming out of the interviews was provided to each of the interviewees and formed the summary of the interview to be outlined in the final report. Interviewees were asked to make any comments on the summary by 10.00 am on 27 September 2004. Depending on the nature of the responses, they have been either incorporated into the interview summary in the Report or included as an attachment to the Report;

- (g) prepare the preliminary report; and
- (h) prepare the final report.

#### CROWN SOLICITOR'S ADVICE

As part of the investigation, the Under Treasurer recommended to me as Acting Treasurer that further advice be sought from the Crown Solicitor in light of additional information at hand since the date of his preliminary advice on 10 September 2004. By letter dated 21 September 2004, I wrote to the Crown Solicitor and asked for advice on whether the evidence indicated any wrongdoing had occurred and, specifically, whether any person had breached any relevant legislation or codes of conduct.

Set out below, in respect of each of the specific questions asked for advice, are relevant extracts of the advice from the Crown Solicitor dated 24 September 2004.

1. Whether there has been any breach by Energex Ltd or any of the directors or officers of Energex Ltd of:
  - the GOC Act;
  - the Corporations Act 2001;
  - the Criminal Code;
  - the Financial Administration and Audit Act 1977; or
  - any other relevant law.

In relation to the GOC Act, the Crown Solicitor stated that:

"On 25 October 1999, Cabinet approved Remuneration Guidelines for Directors and Senior Executives in GOCs. A covering letter dated 14 December 1999 was sent to Mr Nissen as Chairman of Energex, and Mr Nissen acknowledged that letter on 28 March 2000. Mr Nissen confirmed that Energex agreed to the Guidelines. In September 2003 Cabinet approved amended Remuneration Guidelines, which were communicated to Energex about the time of the negotiations with Mr Maddock.

...

I think the only conclusion one can reasonably reach is that the Remuneration Guidelines, and in particular the reporting requirements, were not complied with in relation to the arrangements with Mr Maddock, regardless of when those arrangements may have been made.

The letters to the Ministers on 15 September 2000, in which the Chairman proposed the appointment of Mr Maddock, obviously made no reference to any special understanding with Mr Maddock about home improvement costs.

However, the apparent failure to inform the shareholding Ministers, whether deliberate or through oversight, has no specific consequences under the GOC Act."

In relation to the Corporations Act 2001, the Crown Solicitor pointed out that enforcement of the provisions of the Corporations Act is essentially a matter for the Australian Securities and Investment Commission (ASIC).

The Crown Solicitor stated that Mr Nissen has arguably breached his director's duties in all the circumstances imposed on him under section 180 and 181 of the Corporations Act.

Section 180 of the Corporations Act imposes a civil obligation only and requires that a director or officer of a corporation must exercise their powers and discharge their duties with the degree of care that a reasonable person would exercise.

On section 180 of the Corporations Act, the Crown Solicitor stated:

"In the case of Energex, it seems clear that the Chairman was part of the selection panel, and that he had authority to negotiate with the candidate. However, he had no authority to enter into contractual arrangements with Mr Maddock which went beyond what would have been acceptable to the Ministers in terms of the total remuneration package. It is clear that the Board was obliged to report to the Ministers on the details of any remuneration arrangements. I cannot see how the

Chairman could maintain any assertion that he was authorised, as Chairman, to make additional arrangements which would not be reported to the Board or the Ministers, and which had financial implications for Energex.

... it appears to me that there is an arguable case that the Chairman did not discharge his duties with the degree of diligence required of him in all the circumstances.

He evidently did not inform the Board of the precise nature of the arrangements with Mr Maddock. He did not inform the shareholding Ministers of those arrangements. He arguably did not exercise any high degree of caution in assessing the claims which he did approve: there were claims which even Mr Maddock conceded were doubtful under even the most generous interpretation of the arrangements.

The Chairman might in response claim that his decisions in relation to the initial agreement to the arrangements fell within the business judgment rule in section 180(2), but I think in that respect he might be challenged in his claim that he made his judgments in good faith for a proper purpose, given that he can hardly have been in any doubt about the attitude of shareholding Ministers had they been told of the proposal to assist Mr Maddock in refurbishments at this home. It is not unreasonable to conclude that he withheld the details precisely because he knew that the Ministers and, very likely the members of the Board, would not approve."

Furthermore, section 181 of the Corporations Act provides that a director or officer of a corporation must exercise their powers and discharge their duties:

- (a) in good faith in the best interests of the corporation; and
- (b) for a proper purpose.

On section 181 of the Corporations Act, the Crown Solicitor stated:

"It could be arguable that in all the circumstances the Chairman did not act in good faith in negotiating the additional arrangements with Mr Maddock because he must have known that the arrangements would not be acceptable to the Ministers, or to the majority of the Board, and that he did not act in good faith in failing to inform the Board and the Ministers.

However, the Crown Solicitor did indicate that although the matter could be reported for investigation by ASIC, he believed that the matter would be better left to the Government, and in particular the shareholding Ministers, to deal with.

In relation to the Criminal Code, the Crown Solicitor stated that:

"I can see nothing in the information I have been given to suggest that anyone has been guilty of criminal fraud. The main provision in the Code dealing with fraud is section 408C. That section makes it an offence (among others) to dishonestly obtain property from any person. Dishonesty is the basis for criminality under section 408C, and it requires the application of the standards of a reasonable and honest person.

I do not think it could be shown that Mr Maddock acted dishonestly in making his claims for reimbursement. He evidently believed that he was entitled to make the claims he made. They were authorised by Mr Nissen, the Chairman of the Board.

As to Mr Nissen, while I think that there is good reason to think that he was less than forthcoming with the Board and the Ministers about the precise arrangements between himself and Mr Maddock, I do not think that would be sufficient to establish dishonesty on his part to the criminal standard. He certainly gained no personal advantage from the arrangements."

In relation to the Financial Administration and Audit Act 1977, the Crown Solicitor stated that:

"There has been no breach of any of those provisions in this case."

Finally, the Crown Solicitor did not identify any other relevant laws which might have been breached by any person(s) in the circumstances.

## 2. Whether there has been "official misconduct".

The Crown Solicitor stated that:

"the provisions of the Crime and Misconduct Act dealing with official misconduct do not apply to Energex or persons holding appointments in Energex."

## 3. Whether there could be considered to be "misconduct" on the part of the Chief Executive Officer in terms of his contract of employment of 5 October 2000.

The Crown Solicitor stated that:

"... the conduct of Mr Maddock did not constitute misconduct under the terms of his contract."

## 4. Whether any person has breached the Energex's Code of Conduct.

The Crown Solicitor stated that:

"Under the heading 'Code of Conduct in Brief', there is a subheading "keep relevant people informed" which states:

"We will communicate openly with our employees, communities, suppliers, shareholders and stakeholders to keep them informed of our efforts and to better understand their expectations."

I think that it is arguable that the Chairman failed to communicate openly with his shareholding Ministers about the contractual arrangements with Mr Maddock, but unless there was a Code of Conduct with a similar provision operative from 2000 on, there cannot have been a breach before the Code came into operation.

In the Code itself, under the heading "Promote ethical business practices" there is an undertaking to conduct business with honesty, integrity and to the highest levels of corporate governance. This is stated to mean, among other things:

"We use Energex's assets, (equipment, information, funds etc) responsibly, legitimately and in the best interests of the organisation."

There might be an argument that using Energex funds for improvements at the CEO's home is not responsible or legitimate use of those funds, but Mr Nissen would and has argued that he accepted that the CEO needed a home that was suitable for corporate entertaining, and that it was a responsible use of corporate funds. The Code was in operation by October 2003, before the particular payments of concern to the Auditor-General were authorised by Mr Nissen.

Mr Nissen might, however, have some difficulty explaining how some of the reimbursements he authorised were legitimately within the scope of what he says was the arrangement with Mr Maddock, and to that extent he could be criticised for not acting responsibly."

5. Whether there has been any failure on the part of any person(s) to exercise proper corporate governance.

The Crown Solicitor stated that:

"It seems to me that there have been failures to keep the Board fully informed about how the remuneration arrangements with Mr Maddock were handled. Whether that failure can be described as a failure in corporate governance is problematic. Perhaps to the extent that the Chairman, and perhaps Mr Kilmartin, may not have understood what their obligations were, that might be considered a failure of the Board to make its requirements clear. However, it seems to me to be a failure of corporate governance if a director deliberately fails to carry out his or her duty."

6. Whether there has been any failure by any person to follow the lawful directions of the Government, shareholding Ministers or the Office of Government Owned Corporations.

The Crown Solicitor stated that:

"As I have already indicated, I think that it is arguable that Mr Nissen failed to comply with the Remuneration Guidelines for Senior Executive Staff in GOCs in that he, as Chairman of the Board, did not report fully, or ensure that full reporting to the shareholding Ministers and the Premier was made by the company, about the true extent of the arrangement with Mr Maddock about reimbursement of expenditure on Mr Maddock's home, for whatever reason.

It does not appear that other members of the Board, apart from Mr Kilmartin, had any knowledge of the arrangement which Mr Nissen asserts existed. I do not think that Mr Kilmartin had any independent duty to report to the Ministers. The responsibility was that of the Board, but if the Board was not kept informed, as appears to have been the case, the responsibility must rest on the Chairman."

#### THE REPORT'S OVERALL FINDINGS

The Report found that:

- Mr Maddock received reimbursement for expenses incurred between 9 November 2000 and 21 June 2004 totalling \$157,502.19 which are the subject of this investigation. Clearly, some of the expenses are of a personal nature, and, in particular, those expenses totalling \$72,590.14 in relation to the principal place of residence of Mr Maddock. See Attachment 1.
- There appears to have been an oral arrangement in addition to, or as an expansion of, the written contract of employment that provided for claims of a personal nature to be approved for reimbursement by Energex. It is important to note that the terms of the written contract of employment and the oral arrangement with Energex Limited are not in dispute between the parties to the contract/s. Whether the making of and the terms of the oral arrangement were appropriate, particularly, in relation to the employment of a Chief Executive Officer of a State owned entity, and the failure of the Energex Board to be notified and approve the terms of the remuneration arrangement, is a matter of conjecture. However, in the view of the investigation team the remuneration arrangement is considered inappropriate for a public sector entity.
- The Energex Board has failed to apply proper standards of corporate governance in that the Board has not adequately applied the "Remuneration Guidelines for Directors and Senior Executives in Government Owned Corporations" ("remuneration guidelines") as approved by Cabinet and as specified in Energex Ltd's Statement of Corporate Intent. In particular, they did not:
  - ensure that the arrangements were consistent with required levels of public sector accountability;
  - ensure an open and transparent approach to Mr Maddock's remuneration arrangements;
  - adequately inform the shareholding Ministers and the Premier of the remuneration arrangements of the Chief Executive Officer; and
  - provide sufficient detail as to "the nature and amount of each element of the emolument" of the Chief Executive Officer in Energex Ltd's Statement of Corporate Intent document for the relevant period that is covered by the scope of this investigation.
- In addition to the \$157,502.19, the investigation team identified other payments totalling \$26,616.55 made directly to third parties on behalf of Mr Maddock which were not within the scope of the investigation. See Attachment 2.

The Report found that a number of persons have not satisfactorily fulfilled their responsibilities in respect of this matter. In this regard, it should be noted that Mr Nissen, Chair, and Mr Kilmartin, Director, were delegated the responsibility by the Board to negotiate the contract of employment with Mr Maddock. This failure to adequately fulfil responsibilities includes:

- The Board did not ensure that the decision to appoint Mr Maddock was reflected in the minutes of the relevant Board Meeting.
- Mr Nissen, in negotiating and administering the contract, did not:
  - negotiate and act in accordance with the remuneration guidelines by ensuring that the remuneration arrangement was consistent with required levels of public sector accountability;
  - adequately inform the Board of the remuneration arrangements given the unusual nature of the arrangement in a Queensland government owned corporation environment. This made it difficult for the uninformed Board members to adequately fulfil their responsibilities under the remuneration guidelines;
  - ensure that the written agreement sufficiently described the remuneration arrangement for Mr Maddock such that proper standards of accountability could be maintained; and
  - sufficiently scrutinise the claims for reimbursement that he approved to ensure reasonableness and consistency with the remuneration arrangement.

- Mr Kilmartin did not:
  - negotiate and act in accordance with remuneration guidelines by ensuring that the remuneration arrangement was consistent with required levels of public sector accountability; and
  - adequately inform the Board of the remuneration arrangements given the unusual nature of the arrangement in a Queensland government owned corporation environment.
- Mr Turnbull, General Manager, Legal and Corporate Affairs and Group Company Secretary, was aware of the remuneration arrangement and given his responsibilities within the organisation, he should have identified the inconsistency of the remuneration arrangement with the remuneration guidelines and should have advised the Chair and the Board about the inconsistency.
- Mr Maddock, when he was sitting outside of the organisation as a prospective Chief Executive Officer, was entitled to negotiate the best remuneration arrangement that he could, and not unreasonably, believed he was negotiating with Energex Ltd representatives who were in a position to make the arrangement that was agreed. However, once Mr Maddock moved into the Chief Executive Officer position within Energex Ltd, and gained a greater appreciation of the role and required corporate governance standards of a government owned corporation, he should arguably have:
  - realised that the reimbursement claims that were of a personal nature, and that were being claimed over a period of three (3) years under the guise of relocation expenses, did not comply with required levels of public sector accountability; and
  - brought the matter to the attention of the Chair and/or Board to ensure that the remuneration arrangement was reported correctly and that the shareholding Ministers and the Premier were properly informed in accordance with the requirements of the remuneration guidelines.

In terms of the negotiation process, the Report found nothing that would suggest that individuals involved were acting with other than the best intentions for Energex Ltd.

The Crown Solicitor has raised a number of issues in relation to compliance with the Corporations Act which the shareholding Ministers should have regard to in considering this matter.

#### FUTURE ACTION

I have consulted with the shareholding Ministers and we are of the view that the findings of the investigation undertaken by the Under Treasurer provide a compelling case for serious action by the Government in relation to Energex Ltd. I propose to announce in Parliament tomorrow the actions to be taken in response to the Report. The shareholding Ministers and I will also give consideration to any further action which is required in response to any recommendations which may be contained in your report to Parliament.

The Government has previously put in place sound measures to ensure that senior executive remuneration in Government Owned Corporations is negotiated on a basis that reflects the commercial nature of the organisations but with appropriate levels of transparency and accountability that match the expectations of a public sector owned entity. Clearly, in relation to Energex Ltd further measures are required to improve aspects of its corporate governance arrangements and to ensure the introduction of more rigorous compliance and reporting procedures. The suitability of these requirements for implementation in relation to other Government Owned Corporations will also be considered by the shareholding Ministers.

The shareholding Ministers will consider whether enhanced guidelines along the following lines should be issued to the Government Owned Corporations:

- clarifying the Boards' obligations and obligations of individual directors in relation to the negotiation of senior executive remuneration and other benefits;
- clarifying the Government's expectations of Boards the position of Government Owned Corporations as a corporation owned by the State as opposed to a private sector company;
- to ensure that all arrangements concerning senior executive remuneration are fully incorporated in the written contract of employment;
- to ensure full and accurate disclosure to the shareholding Ministers on an ongoing basis of all written arrangements concerning senior executive remuneration and other benefits; and
- to ensure appropriate compliance procedures are in place in relation to remuneration and other benefits paid to senior executives by GOCs.

To this end, on 23 September 2004, I wrote to the Chairs of all of the Government Owned Corporations requesting that all senior executive contracts (defined as contracts pertaining to those executives whose appointments have been approved by the Governor in Council) be lodged with the Office of Government Owned Corporations and that any variations either written or oral be advised to that Office. It is intended to issue formal guidelines requiring the provision of such information to shareholding Ministers as a standing requirement.

The Crown Solicitor, in his advice, has raised the suggestion that shareholding Ministers would be entitled to ask the Board to indicate whether it considers that action by the company to recover any payments made to Mr Maddock is justified. Further legal advice has been obtained from Treasury's Acting Commercial Counsel which indicates that on the information currently available, he is of the view that a binding contractual arrangement was in place between Mr Maddock and Energex Ltd and the Chairman had authority to approve payments and did so. Although contrary to the spirit of the Remuneration Guidelines, there would be, in his view, no ability to recover those payments (with the possible exception of \$288.75 which has been acknowledged as having been mistakenly claimed). Taking this advice into account and subject to any views that you may have, we are not minded to pursue reimbursement.

I trust this information assists you in the finalisation of your report to Parliament. I would be happy to meet with you to discuss any further matters if you wish.

Yours sincerely

(sgd)

PETER BEATTIE

Encl.



## REIMBURSED EXPENSES PAID TO GREG MADDOCK, CEO OF ENERGEX LIMITED

TABLE A—CLASSIFICATION OF THE REIMBURSED EXPENSES

Classification – Reimbursed Expenses	Amount \$	Comments
Removal and Relocation Expenses	50,712.52	No. 16. Other reimbursed expenses are consistent with the terms of the contract of employment.
Principal Residence	72,590.14	No. 9-15, 17, 19, 20, 22, 25-27, 29-30, 32, 34-36, 38 and 39.
Telephone	10,667.66	Arrangements for reimbursement should have been documented but otherwise there is no issue of concern.
Financial, Superannuation and Insurance	23,531.87	Arrangements for reimbursement are consistent with the employer and employee relationship. Except arrangements for the reimbursed expenses - No. 41 and 42 should have been documented.

TABLE B—ITEMISED TABLE OF REIMBURSED EXPENSES

No.	Date of Invoice	Supplier	Particular	Amount \$	Classification
1	09/11/00	Hecek & Associates	Sale of Sydney Residence – Property Valuation	495.00	Removal & Relocation
2	12/11/00	CE Property Valuers & Consultants	Sale of Sydney Residence – Valuation Report	440.00	Removal & Relocation
3	13/11/00	Lyons & Lyons Solicitors	Sale of Sydney Residence - Professional Fees	2,234.00	Removal & Relocation
4	16/11/00	Blunts The Professionals	Sale of Sydney Residence - Advertising Costs/Legal Costs	2,917.82	Removal & Relocation
5	29/11/00	Australia Post	Forwarding Costs	396.00	Removal & Relocation
6	30/11/00	Bensons Real Estate	Sale of Sydney Residence – Agent's Fees Duty	15,119.50	Removal & Relocation
7	30/11/00	Payment to Mr G Maddock	Sale proceeds notionally foregone due to accelerated sale	28,500.00	Removal & Relocation
8	02/01/01	Commonwealth Bank	Interest on Streamline Account	256.26	Removal & Relocation
9	12/02/01	Spinner's Team of Tradesmen – Building Services	Building Services	3,456.00	Principal Residence
10	17/02/01	Tim's Floor Stripping	Removal of Ceramic Tiles and Floor Topping	2,205.00	Principal Residence
11	10/03/01	The Outdoor Furniture Specialists	Outdoor furniture	2,679.00	Principal Residence
12	13/03/01	Décor Blinds Australia Pty Ltd	Plantation Shutters, Venetian Blinds and Roman Blinds	3,900.00	Principal Residence
13	19/03/01	Décor Blinds Australia Pty Ltd	Plantation Shutters	3,560.00	Principal Residence
14	20/03/01	Kev Selwood Electrical	Upgrade of Main/Switchboard Carrying out wiring for A/C and pool equipment/lights Install exterior lights, power points and TV aerial points	3,614.19	Principal Residence

No.	Date of Invoice	Supplier	Particular	Amount \$	Classification
15	04/06/01	Décor Blinds Australia Pty Ltd	Plantation Shutters	3,580.00	Principal Residence
16	16/10/01	Park Hyatt	Accommodation Expenses – Sydney 26/27 September 2001	353.94	Removal & Relocation
17	16/11/01	The Outdoor Furniture Specialists	Shadestar 3.4 Acrylic Shelter Small Cast Iron Base Bridge	628.00	Principal Residence
18	18/04/02	ATO	Termination Payment Tax Assessment 2002	14,652.25	Financial, Superannuation and Insurance
19	19/04/02	Chairco	Upholster chairs and New Louis XV Palatial Armchair (\$1352)	5,834.20	Principal Residence
20	22/04/02	Boral Timbers	Timber Floor	8,546.00	Principal Residence
21	22/04/02	Telstra	Telephone	3,555.34	Telephone
22	12/06/02	Collectors Corner	Furniture (Net - \$1500 deposit)	3,653.00	Principal Residence
23	25/06/02	Telstra	Telephone	1,384.74	Telephone
24	09/10/02	Telstra	Telephone	526.90	Telephone
25	02/12/02	The Tile Mob Pty Ltd	62 sq m of tiles	1,811.00	Principal Residence
26	12/12/02	S. Sanzone	Tiling of Kitchen, Lounge & Laundry	2,700.00	Principal Residence
27	30/01/03	Silvio's Electrical Pty Ltd	Supply and installation of garden lighting	2,140.70	Principal Residence
28	06/02/03	Telstra	Telephone	837.28	Telephone
29	17/02/03	Chairco	Fabric for Upholstery	426.20	Principal Residence
30	03/03/03	Chairco	Dining seats reupholster	286.20	Principal Residence
31	22/04/03	Telstra	Telephone	435.39	Telephone
32	29/06/03	Guests – Windsor	Baltimore Sofa and delivery	8,900.00	Principal Residence
33	01/07/03	Telstra	Telephone	532.45	Telephone
34	05/08/03	Beacon Lighting	Lights	364.20	Principal Residence
35	21/08/03	Michael Messery	Labour/Ute, prune, weed, fertilize, mulch, water	288.75	Principal Residence
36	25/08/03	BBC Hardware	2 Ceiling Fans and Door Mat	237.95	Principal Residence
37	11/09/03	Telstra	Telephone	1,132.80	Telephone
38	08/10/03	Purvis Electrical Service	Electrical repairs and installations	695.75	Principal Residence

39	Undated	Brisbane Pools Pty Ltd	Additional Block Wall Additional Terracotta Area on Concrete Slab	13,084.00	Principal Residence
40	30/12/03	Telstra	Telephone	934.62	Telephone
41	08/03/04	Colonial	Income Insurance Premium	2,390.72	Financial, Superannuation and Insurance
42	08/03/04	Colonial	Insurance Premium	2,946.90	Financial, Superannuation and Insurance
43	30/03/04	Peter Gibbins Financial Services	Professional Services	3,542.00	Financial, Superannuation and Insurance
44	15/03/04	Telstra	Telephone	614.14	Telephone
45	21/06/04	Telstra	Telephone	714.00	Telephone
			<b>TOTAL</b>	<b>\$157,502.19</b>	

<u>Recipient of Payment</u> (Directly from ENERGEX)	<u>Amount</u>	<u>Date</u>	<u>Purpose</u>
Peter Gibbins Financial Services	\$ 3,465.10	Invoice 27/4/01	Financial services
"	\$ 3,748.25	Invoice 1/12/00	"
"	\$17,319.50	Memo 21/12/00	"
McInnes Wilson	\$ 48.70	Memo 21/12/00	Legal fees
Lyons & Lyons Solicitors	\$ 2,035.00	Memo 27/11/00	"
<b>TOTAL</b>	<b>\$26,616.55</b>		

**Mr BEATTIE:** In that letter, which is very long, I outlined the view that the findings of the investigation by the Under Treasurer provide a compelling case for serious action by the government to improve aspects of the governance arrangements in relation to Energex Limited. I said that I proposed to announce actions to be taken following further consultation with the shareholding ministers and most likely with my cabinet colleagues. I have advised the Auditor-General that the findings from this exercise demonstrate that a review of corporate governance practices is required of boards of government owned corporations to ensure accountability in relation to senior executive contracts. To this end, it is intended to issue enhanced guidelines to the government owned corporations—

- clarifying the boards' obligations and obligations of individual directors in relation to the negotiation of senior executive remuneration and other benefits;
- clarifying the government's expectations of boards which are running corporations owned by the state as opposed to private sector companies;
- ensuring that all arrangements concerning senior executive remuneration are fully incorporated in the written contract of employment;
- ensuring full and accurate disclosure to the shareholding ministers of all written arrangements concerning senior executive remuneration and other benefits;
- to ensure appropriate compliance procedures are in place in relation to remuneration and other benefits paid to senior executives by GOCs.

On 23 September 2004, I wrote to the chairs of all government owned corporations requesting that senior executive contracts—defined as contracts pertaining to those executives whose appointments have been approved by the Governor in Council—be lodged with the Office of Government Owned Corporations and that any variations, either written or verbal, be advised to that office. It is intended to issue formal guidelines requiring the provision of such information to shareholding ministers as a standing requirement. Attached is a copy of my pro forma letter. I table that letter for the information of the House.

I can report to the House that all the chairs of all GOCs have provided the employment contracts of the chief executives and advised that there are no verbal arrangements in place with their CEOs. Further, I can advise that no evidence has been found of provisions similar to those in the contract of employment for the former CEO of Energex.

There have been a number of statements made recently about the government's attitude to performance payments, in particular as they apply to Energex. I would like to put the record straight on this issue. In 2003 the government decided to establish a greater degree of consistency across GOCs in terms of the quantum of those payments, specifically to also bring performance pay arrangements more in line with those which at that time were in place for senior executives of the broader public sector.

Specifically, the outcome of the review was to establish an adjustment to all GOCs' performance pay arrangements except those applicable to the Queensland Investment Corporation such that performance pay arrangements were capped at a maximum of 15 per cent of salary, and this applied to Energex. The Under Treasurer is currently undertaking a further review of GOC performance payment arrangements. Findings and any recommendations are yet to be considered by the government.

In respect of Energex specifically, shareholding ministers are yet to receive any recommendations—formal or informal—from the Energex board as to the appropriate levels of performance pay for senior executives for the 2003-04 financial year. Government has therefore at this stage had no opportunity to consider the appropriateness of any such recommendations. There is a further issue that needs to be resolved. In his advice, the Crown Solicitor said shareholding ministers would be entitled to ask the board of Energex to indicate whether it considered that action by the company to recover any payments made to Mr Maddock was justified.

Further legal advice has been obtained from Treasury's acting commercial counsel which indicates that, on the information currently available, he is of the view that a binding contractual arrangement was in place between Mr Maddock and Energex Limited and that the chairman had authority to approve payments and did so. Although contrary to the spirit of the remuneration guidelines, there would be, in his view, no ability to recover those payments.

This is a dreadful issue. A reading of my letter will show that I have told the Auditor-General that, taking this advice into account, subject to any views that he may have and in light of Mr Maddock's tragic death, the government will not seek such reimbursement. I know that there will be savage criticism of the government for that view. I just believe under all the circumstances that is the decent thing to do.

Since I learned of the Auditor-General's inquiries into the payment to Mr Maddock I have insisted on following due process. The only drawback with this is that ill-informed speculation and innuendo has flourished. Then followed accusations of a witch-hunt and conspiracy theories about letters and memos. The process I have revealed this morning in this statement makes it clear that there is no witch-hunt.

Speculation has raged that documents damaging to the government have been covered up, in particular a letter from Mr Maddock to the former Minister for Energy. A thorough search has failed to find any such letter. It could be that the document being referred to is an internal Energex briefing note of August 2003 that I understand was forwarded to the Office of Energy and Office of Government Owned Corporations in the context of Energex's request for shareholders' approval to undertake the significant \$130 million CityGrid project that will bring a new feeder into the Brisbane CBD. I do not know if this is the document but I table it for the information of the House.

The internal memo notes the very same issues that Energex put to the recent Somerville inquiry including the significant demand pressures building on the network, the resulting high asset utilisation rates based on Energex's preferred planning methodology that allowed high utilisation rates, the estimated long-term savings from that planning methodology and the need for a doubling of capital works over the next five to 10 years.

The Queensland Competition Authority has an important role in determining how much money will be spent by Energex over the next five to 10 years. If any other information comes to my attention I will table it in the House. But as this memo says—

One major implication of this increased load growth is the need to bring forward planned network reinforcement works. Most significant is the Brisbane CBD reinforcement project.

I asked the Office of Government Owned Corporations to check the approval process for that particular project. It advised that it was not until 5 May 2004 that a full business case for the CBD reinforcement project was sent to the shareholding ministers for approval.

I can advise the House that shareholder approval for the \$139 million project was given on 8 July 2004, two months after receipt, which is not an unreasonable time to assess such a large project. If there is any other material we will provide it to the House.

With the support of the two shareholding ministers, John Mickel and Terry Mackenroth, and with the leader of the House, I have taken appropriate action in relation to the report. Last night I met with Don Nissen who offered his resignations from his positions as Director of Energex Limited and Energex Retail Pty Ltd. I table both those resignations for the information of the House.

During this time there have been some distressing media reports. There is a report in *The Australian* today which is just not true. I asked my chief of staff to ring Don Nissen this morning and I asked him to give me a file note which I will read to the House in relation to that report. Rob Whiddon, my chief of staff, said—

I rang Don Nissen this morning at approximately 8.00am to indicate that the Premier had asked me to check with him about a statement in *The Australian* article by Tony Koch and Rory Callinan this morning which read, in relation to Mr Nissen, that:

'He told Beattie he believed the leak about Greg being under investigation came from Beattie's Office and he did not wish to have any further part in working for the Government' a Government source told *The Australian* last night.

Mr Whiddon says—

I told Mr Nissen that the Premier had indicated to me that this statement was very clearly not part of the discussion between himself and Mr Nissen yesterday which had been amicable.

I told Mr Nissen that the Premier planned to mention in State Parliament this morning that the allegation in the paragraph concerned was totally incorrect.

Mr Nissen agreed that the sentence was definitely not correct, and said that he had no problem with the Premier advising the parliament of that.

He also indicated that he had made no comment to the media on or off the record since his meeting with the Premier yesterday, and that he had instructed his personal assistant to advise any media callers that he has nothing to say.

I table that file note for the information of the House.

There was a brief meeting with the shareholding minister, John Mickel, the Leader of the House and senior officers with Don Nissen, and then I met with Don privately for probably 40 to 45 minutes—I forget how long. No such discussion took place. We talked about the report. I advised him I would be tabling it in parliament this morning. The only other discussion we did have, and we did discuss this at some length, was to assess whether we as individuals could have done more to assist Greg Maddock and to save his life. I would not have shared that with the House or anybody. It was just two people trying to struggle with their own consciences about whether we could have done more. I have to say that while there is very strong criticism of Don in this report and he has now resigned—and I think that is appropriate—we were trying as two decent Australians to grapple with what had happened here to a very decent man.

There was no suggestion from me that Don should not resign and there was no recriminations about what had happened. I just say to those two reporters concerned, for the love of God, I can't understand how you could write such rot. I really can't.

I also met Brian Kilmartin last night and he offered his resignation as a director. I accepted it. I table that for the information of the House.

Ross Dunning, a professional director who is currently chairman of the Port of Brisbane Corporation and chairman of the Central Queensland Port Authority, has this morning been appointed Chair of Energex by the Executive Council which was attended by Her Excellency the Governor and by the Minister for Energy John Mickel.

Mr Dunning is one of Queensland's most respected directors whose career has included being the state's Commissioner for Railways, Director-General of Queensland's Administrative Services Department and the Chief Executive Officer of Evans Deakin Industries Ltd. I table his letters of appointment to the House.

I thank the Minister for Energy for his suggestion to appoint Ross. We met with five directors of Energex yesterday; we met with four again this morning with the chairman.

I believe an examination of all the documentation and of our decisions will show that we acted appropriately throughout the process. Implementing the Somerville report, which we commissioned at the beginning of this year, is a top priority of my government and I am pleased to say that there has already been marked progress in the areas of vegetation management, communication, the supply and installation of transformers and the upgrade of feeders.

The Auditor-General has to report on the matter, of course, but I do hope that now that this matter has been put to the House—and the transparent manner we have dealt with it—it will allow people as much as possible to move on.

I table a copy of the Under Treasurer's report to the shareholding ministers of the investigation into the payments made to the Chief Executive Officer of Energex Limited and I ask that copies of that

report be distributed to all members of the parliament and that copies of my letter to the Auditor-General also be distributed to all members of the parliament.

I thank the House for its patience and respect this morning. I thank all members of the government. I thank the opposition, members of the Liberal Party and the Independents for their courtesy. I genuinely appreciate what you have done this morning. I again want to extend my sympathies to the family of Greg Maddock.

## MINISTERIAL STATEMENT

### Energex; Mr G. Maddock, Mr R. Dunning

**Hon. R.J. MICKEL** (Logan—ALP) (Minister for Energy) (10.18 a.m.): The tragic and sudden passing of Mr Greg Maddock CEO of Energex has saddened and shocked us all. Mr Maddock is well known to many people. He has been a familiar face in Queensland's utility industry since joining Energex four years ago. It was clear to me when I attended Mr Maddock's funeral last Friday, along with the member for Nudgee Neil Roberts, that he enjoyed the confidence of his professional colleagues and was widely respected and loved by his family and his many friends.

No man is an island. The untimely passing of a well-loved and respected professional person affects us all. Our thoughts and prayers are with the Maddock family. While this is an especially difficult time for them, we have tried to be sensitive to their grief. It has not been appropriate to speak out on the matter earlier, especially since the final report was not completed until late yesterday. The investigation into an expenses claim by the former Energex CEO arose entirely from a briefing by the Auditor-General to the Deputy Premier and Treasurer and myself as shareholding ministers.

As shareholding ministers, we had a legal duty and a moral responsibility to act on the Auditor-General's advice to us. I am sure that all honourable members would themselves expect this. The taxpayers of Queensland deserve nothing less.

Suggestions from some sections of the media of a witch-hunt are totally and utterly incorrect. There has been wide and varied speculation about the tragic events surrounding Mr Maddock's death. I will not dignify that speculation. Sections of the media have broken with tradition in how they reported Mr Maddock's death. Unfortunately, others blindly followed. Some print journalists and some radio commentators must surely re-examine their own treatment of this issue. The explicit details of the tragedy have been flashed across media outlets for over a week now with little respect for Mr Maddock's family and for the ethics with which such events are reported. I would hope that we as compassionate human beings can learn from this terrible tragedy. I hope that we can find a time when we return to high standards of reportage and respectful and ethical journalism. If we can salvage anything from these events it is this: respect for families at a time of unbearable grief and ethical reporting of such events from a responsible media.

All shareholding ministers have found the past few days difficult. We have been careful to observe due process, to ensure that natural justice is upheld, to ensure that the interests of all Queensland taxpayers are protected, to ensure that we have responded fully to the issues raised by the Auditor-General and to observe the highest standards of probity and transparency in our actions. As the responsible minister, I have had the full support of the Premier and Treasurer at all times. I have been involved with the many meetings with the Treasurer and the investigating officers and again last night I was involved in meetings with the Premier and the Leader of the House when the chair of the Energex board and board member Mr Brian Kilmartin offered their resignations.

Today, the Premier has outlined the full circumstances surrounding the investigation and I want to assure all members of this House that at all times the Premier has acted honourably and with great dignity in the face of false accusations. Today, we want to move on. I wish to congratulate the new chair of the board of Energex, Mr Ross Dunning. Mr Dunning has had a successful career in both the public and private sectors. He has served governments of all political persuasions professionally and competently and he has willingly agreed to take on this task. Mr Dunning formerly occupied the positions of Chief Executive Officer of Evans Deakin Industrial Limited, Director-General of the Queensland Department of Administrative Services, and Commissioner for Railways. He has also been appointed as Director of the Brisbane Airport Corporation Limited and as Chairman of Australia TradeCoast. Mr Dunning was awarded a Companion of the Order of Australia for his services to the development of transport systems, particularly modern and efficient rail services, having been involved in Australia's transport sector since 1963.

When I spoke with Mr Dunning last night, I stressed to him the need to work with the implementation unit in my department to roll out the recommendations of the Somerville report. I believe that he has the strong leadership to help oversee the summer strategy for Energex. He has given me this guarantee: that there will be no holiday for him this summer. As chairman, he will see the job through, to tell it as it is, to squarely face up to the challenges and work with me as the shareholding minister to improve customer confidence in Energex. We can ask for no more than that. I know that

Ross Dunning will instill the highest standards of corporate governance in the Energex board and operate in a way that is open and transparent. Queenslanders need a strong chair who can get on with the job, a person dedicated to the task and someone who can deliver. Ross Dunning is that person.

Energex has much strength—none more so than the thousands of professional men and women who provide the essential service of reliable electricity supply to the people of south-east Queensland and, in some cases, in difficult and hazardous situations. They have felt bruised by the adverse publicity directed to them in recent months. The best way to silence the critics is to deliver a top-quality service and to be customer focused. I know that with the right blend of encouragement and leadership, they will do just that.

## SCRUTINY OF LEGISLATION COMMITTEE

### Report

**Hon. K.W. HAYWARD** (Kallangur—ALP) (10.24 a.m.): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 6 of 2004*.

## PRIVATE MEMBERS' STATEMENTS

### Energex; Mr G. Maddock

**Mr SPRINGBORG** (Southern Downs—NPA) (Leader of the Opposition) (10.25 a.m.): I rise to pass on the condolences of the Nationals to the family of the late Greg Maddock. This is a deeply personal time for the family and nobody in this place can understand absolutely everything that they are going through given the tragic circumstances surrounding Greg Maddock's death. There are indeed some unanswered questions surrounding that death and no doubt those matters will be pursued at another time. Greg Maddock did a very professional job under extremely difficult circumstances. It would be very difficult for us in this place to try to understand the enormous pressure and strain that he had been under in recent times. Personally, I think nobody in this place understands or knows more than I do the impact of a suicide of somebody who you know and you love very, very much.

The Nationals have been torn between the sensitivity to the Maddock family and our obligations and duties to Queenslanders to seek answers to the questions that have been on the tips of the tongues of many Queenslanders. The last 10 days or so have been a deeply personal and troubling time for the Maddock family and it has been a deeply troubling time for the Nationals and the opposition as we have struggled with that sensitivity to the family and the individual involved and also our duty to seek the answers to those questions.

Again, on behalf of the Nationals, I would like to pass on our very, very deep and sincere condolences to the Maddock family. Our words may assist you in some way, but they will not go in any way whatsoever to returning Greg to you. Not only has Mrs Maddock lost a very loving husband but also their children have lost a loving and doting father. The impact of his death will be felt not only by his immediate family but also by his extended family and also Greg's many very dear personal friends.

### Eighth Biennial Australasian Schizophrenia Conference

**Mrs MILLER** (Bundamba—ALP) (10.27 a.m.): Last week, as parliamentary secretary to the Minister for Health, it was my great privilege to open the Eighth Biennial Australasian Schizophrenia Conference. As the member of parliament for Bundamba, my electorate adjoins the headquarters for the Queensland Centre for Mental Health Research, which is situated at The Park Centre for Mental Health. I am privy to hearing about progress in the field of mental health research and being a part of special activities. This role also allows me to be an advocate for those in my community who have a stake in the improved health of Queenslanders. It is for these people and groups that I have taken a personal interest in the developments within the mental health profession over many years. As their representative, I am concerned about the grim statistics of schizophrenia, but even more so by the individual stories of struggle, confusion and loss that some of my constituents bring to me.

The conference drew together some of the best intellectual property in the business of research and it was a great addition to the many international gatherings that the centre has hosted. It was a rare opportunity to recognise the many state, national and even global partnerships in schizophrenia research that were represented by attendees at the conference.

The Queensland government is determined to address the historic problems in our mental health system. We have been determined to learn from the past. For example, we introduced the new Mental Health Act, which protects the rights of people. We pioneered and championed the *Smart State Health 2020 Directions Statement*, which articulates the key objectives that Queensland Health needs to achieve in order to meet its core commitments to the Queensland public and government agencies.

I think that the most important thing about that conference was the fact that our hopes are pinned on the research of scientists and clinicians to unlock the mysteries of schizophrenia. I personally know that in my role as a member of parliament I would dearly love to tell my constituents who have the disorder that we are closer than ever to easing their pain and suffering. This puts a huge responsibility on these dedicated experts who continue to undertake with passion their research in schizophrenia.

Time expired.

### **Public Liability Insurance**

**Mr CHRIS FOLEY** (Maryborough—Ind) (10.29 a.m.): Many important community events and small sporting clubs have been stymied because of the outrageous rises in premiums by insurance companies. As an example, when I opened the Tiaro Arts and Crafts Festival I was informed that people could admire the artwork and craft but they could not buy any of it from the local artisans because sales of the artworks were not allowed because of public liability insurance issues. To substantially increase premiums—some in excess of 600 per cent—when there is no change in claims history is immoral profiteering at its worst and is killing small community events and sporting clubs. I have no objection to insurance companies increasing premiums when there is an unusual rise in claims, but in my electorate one sporting club had its premiums increased by over 600 per cent even though it has never made a single claim in 16 years. I call upon this parliament to support legislation that I intend to introduce to this House to limit increases in premiums on insurance policies to be no greater than the CPI unless there is a demonstrable change in claims history.

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

### **QUESTIONS WITHOUT NOTICE**

#### **Energex; Mr G. Maddock**

**Mr SPRINGBORG** (10.30 a.m.): My question without notice is to the Premier. Premier, there was not a person in this House who was not concerned—indeed massively concerned—by Mrs Maddock's statement at her husband's funeral that he was targeted in a personal way and his integrity brought into question. Given the absence of the Treasurer, who was Acting Premier while the Premier was overseas, can the Premier assure this House that Terry Mackenroth was in no way part of any such campaign?

**Mr BEATTIE:** The answer to the question is yes I can, and I do that because I hope I fulfilled my obligations to this parliament and to the people of Queensland by spelling out today in great detail the processes that have been followed here. Most people—I would have thought all people who watched it, and I saw a replay of it because I had been away—who saw the television coverage of the funeral would have felt enormous empathy with Mrs Maddock. I certainly did. I do not know that anybody can really feel the same pain that people do when these sorts of tragedies happen. The worst thing about it is that it is not just a personal tragedy. Because Greg was such a well-known person and he was, in a sense, a public figure the problem is that that agony also had to be shared in a public sense. That makes it even more difficult for the family and particularly for the partner who is left behind.

I want to say very clearly to the Leader of the Opposition, who extended me great courtesy this morning, and I thank him for that, that every one of my ministers—including the Treasurer, whom I have worked very closely with on this as well as the shareholding minister and in recent days with the support of the Leader of the House; every one of those people—has been deeply affected by this tragedy. None of us is interested in witch-hunts. We simply sought to do the right thing, and that is very difficult in these circumstances. How do you do the right thing? If we had not followed up what the Auditor-General had said, then we would have been condemned for being either incompetent or dishonest, and we are neither of those things.

So let me assure the Leader of the Opposition that there was no vindictiveness from us. I was working very closely with Greg Maddock, and the Independents and the Liberal Party members who attended the briefing that he gave would have seen that. Greg and I sat at the same table with Tony and John. You could see that there was a warmth and a rapport between us. We had no agenda here other than to fix up this problem. In terms of Greg himself, we had nothing but support for him. We just wish that we had been able to help in a more direct way than obviously we did, and that is the sad thing that you always struggle with your conscience on.

#### **Energex; Mr G. Maddock**

**Mr SPRINGBORG:** My question is to the Minister for Transport and Main Roads. As Energy Minister, did the minister receive, read, possess, hold or in any other way become aware of documents from the chief executive of Energex raising concerns about emerging or existing problems with the electricity distribution network? If so, will he table these documents in parliament today?



**Mr SPEAKER:** Minister for Transport and Main Roads, it is not your portfolio so you do have the right to—

**Mr LUCAS:** Mr Speaker, I realise that it is not my current portfolio, but I am happy to answer the question from the honourable member. The Premier indicated that he has tabled and will table all relevant documents. I am not aware of any document from Mr Maddock as reported in the media where he indicated that he was expressing concerns about dividends. Indeed, Mr Popple, a former chairman of Energex, wrote about issues to do with dividends in the past. We might disagree with those views, but I am not aware of any such document. The honourable member would be fully aware of the ongoing work—and the Premier referred to it this morning—in relation to the CBD reliability project that was undertaken in relation to Energex. Indeed, that memo talks about it.

That was something that was reported publicly on a number of occasions in the media all throughout last year. Indeed, it was reported so publicly that I will table the documents that were publicly available, and many of them are still on Powerlink's web site. For example, the statement of emerging network limitations is a public document which talked about what we needed to do—what Energex and Powerlink needed to do—for CBD reliability. That was dated June 2003. All of these things were reported in the media. I will table the application notice for the proposed new large network asset for the Brisbane CBD area. That is dated 17 September 2003 and was publicly available and is still on the Internet. There is also the final report of the proposed new large network asset for the Brisbane CBD area dated 20 February 2004.

Indeed, on 17 December 2003 I put out a press release talking about the issue that we have with six per cent load growth in relation to our CBD area in south-east Queensland. This was not something that was unknown. The Premier in his statement referred to the business case being signed off in May 2004 for the work to be done. This is a three-stage process. That is required under the national competition policy under the ACCC when we are talking about \$180 million-odd worth of work being done. Members can read the covering statements on it, too, in terms of it being appropriate planning and work for years into the future from Energex and Powerlink. That work has been done.

I should note as well that in July NEMMCO tabled its analysis of the Queensland electricity industry and indicated that we have I think 2008-09 or 2009-10 reliability in relation to our power system—I have the details and can make them available to the member; again, it is a public document—unlike Victoria and South Australia which were the summer of 2004-05. Indeed, at the time—I think in December or it might have been January—we indicated that our CBD reliability figures in Brisbane were higher than Melbourne and Sydney. Indeed, that was something that occurred under Energex, and that is acknowledged at page 71 of the Somerville report as well. People are wrong to think that all the Somerville report does is make criticisms. It does make a number of criticisms, and that is why we set it up—that is, to constructively make suggestions—but it also highlights a number of very important things that Energex was doing. Finally, I want to pay my tribute to Greg Maddock. He was a good bloke to work with. He did a good job. I am very sad that he is no longer with us.

### Education, Funding

**Mr TERRY SULLIVAN:** I refer the Minister for Education to the announcement by the Howard government on the weekend of \$1 billion for schools, \$700 million of which will go to state schools, bypassing the state government and going directly to the P&Cs. I ask: how will this system work and what will it mean for Queensland?

**Ms BLIGH:** I thank the member for his question and his well-known commitment to education and the schools in his electorate. After watching the Howard government starve the public schools of Australia for the past eight years, I welcome any additional dollars into our schools. Anybody would have to say that it is a pleasing day to see the Prime Minister finally, after almost a decade, agreeing to put some additional money into public schools. However, along with those announcements of extra dollars comes some strings that I think it is important for the House to understand.

For many years, literally decades, under both sides of politics at a state and federal level there has been a longstanding consensus and agreement that there would be a way of managing the capital works budget in schools that saw one set of bureaucracy based at the state department level that would administer both state and commonwealth funds jointly on behalf of both levels of government. Why does that agreement exist? It exists because there is a political consensus that every dollar possible should go to the school and to the project, and not into the administration of it.

That consensus was thrown out the window by John Howard with his announcement on Sunday. What John Howard did on Sunday was to put another nail into the coffin of Commonwealth-state cooperation on education. Over the last two terms of the federal government we have watched Commonwealth-state relations in this important area deteriorate. Ironically, over the last four years as minister, the one area in which I have enjoyed a cooperative working relationship with the federal ministers, both Brendan Nelson and his predecessor David Kemp, has been on the capital works program. No project has been held up because of an inability to find agreement. While one would find some inevitable issues from time to time, we have always found an amicable way through them. I

commend those two ministers for that. Therefore, ironically, in the one area in which we have been able to cooperate, the Prime Minister now says there will be no future cooperation.

The choice could not be clearer. On the one hand we are being offered the opportunity of a Latham Labor government at a federal level that will be characterised by an education system based not only on balance and fairness in recurrent funding to our schools, whether they are in the public, independent, Christian or catholic sectors, but also with the chance for Commonwealth and state governments to cooperate. On the other hand what we are being offered under Howard is a federal government so blinded by its hatred of the states and the Labor administrations in those states that it will put politics in front of children.

This is public policy madness. These dollars will inevitably be gobbled up in the establishment of a new Commonwealth bureaucracy to administer their construction program. There is no other way to do this. Schools will see the dollars whittled away and the Prime Minister has had to concede that he will need a new bureaucracy. It is public policy madness.

### **Energex; Mr G. Maddock**

**Mr SEENEY:** I refer the Premier to the leaking of sensitive and misleading information about Energex CEO Greg Maddock in the days immediately following his death. I ask: did the Premier authorise or know about the leaking of this sensitive and misleading information at such an entirely inappropriate time?

**Mr BEATTIE:** I have made it clear through all of this—and I would have thought from my statement this morning it would have been abundantly clear—that my government has acted appropriately and properly at all times in every part of our behaviour, and that includes dealing with the media. Based on the nonsense report in the *Australian* this morning, I know that that is a tempting question to ask. However, I refer the honourable member to what I have said already which is that the issues referred to in this morning's report were not discussed between Don Nissen and I and that the report in the *Australian* this morning is totally and unequivocally untrue. I have made it clear to members that, in every aspect of our behaviour, whether it includes dealing with the media or in terms of information that has gone to the media, we have dealt with things in a very open and transparent way. Nothing has been done by my government or any of my staff that is inappropriate or wrong.

Mr Speaker, yesterday much was made of the fact that I did not appear at the post cabinet media conference. I did not do that for two reasons. One, as the House would appreciate, is that I was meeting with various directors and members of the Energex board, two of whom have now resigned. I also did it for another reason. I wanted to ensure that I put every piece of information before this House and that we had some semblance of respect for the family.

Any dealings that I have had with the media have been open and transparent and have been seen on the six o'clock news—that is every dealing I have had. I want to make this very clear: I have gone to great pains to do everything I can to be sensitive to the Maddock family. I have answered the question specifically.

**Mr Seeney:** No, you have not.

**Mr BEATTIE:** I have to say there are times in this business when it is important that one acts decently. There are times in this business when some people do not know the appropriate bounds. I have said unequivocally, and I repeat it now, that any information I have provided to the media has been in the form of news conferences and it has been seen on the six o'clock news. I make it very clear that I always attempt, where I can, to respond to and answer questions by the media. I will always do that as part of my accountability. I would have thought and I would have hoped that today would have been a day when we could have had some decency.

### **Roads, Funding**

**Ms NOLAN:** I ask the Minister for Transport and Main Roads to inform the House how Queensland fared in the recent announcement by the Deputy Prime Minister of extra funding for Australian roads?

**Mr LUCAS:** I thank the honourable member for her question. I was in her electorate last night speaking to her, branch members and others about roads issues in the Ipswich area. As always, it was a pleasure to be with someone who supports local roads so much.

On 15 September, the Deputy Prime Minister announced an extra \$650 million for Australian roads. The coalition had hinted that Queensland would be the big winner after the RACQ, the Local Government Association, the *Courier-Mail* and the state government attacked our pathetically low AusLink road funding as announced on 7 June. In fact, it is very easy to see what is happening when one compares Howard government figures against Howard government figures involving AusLink. For example, for the first eight years of the Howard government, Queensland got about 24 or 25 per cent of

national road funding. Now under AusLink we get 18 per cent and under Mark II we get about 19.4 per cent. We have gone backwards.

We expected a barbecue stopper, as they like to say in federal politics. We expected money for big projects such as the Ipswich Motorway, the Brisbane urban corridor, the Acacia Ridge rail overpass, the Tully flood works, the Townsville port access road or the Gateway Motorway. We expected rock solid dollar commitments. Except for the very welcome commitment of \$80 million to the Tully flood works and \$40 million for the Townsville ring road, there is nothing else for Queensland. In fact, if one was having a barbecue in south-east Queensland, there would be cold chops because there is nothing else on offer. There is no money for tar on roads. The fraudulent claim about the second range crossing in Toowoomba, when all they have done is allocate money to do a study into whether rail and road can use the same corridor and given us what they owe us—

**Honourable members** interjected.

**Mr LUCAS:** If members would listen, that is what I am saying—they have given us what they owe us for the remainder of the corridor, and that is all they have done. We agree with them that the Ipswich Motorway —

**Mr Johnson** interjected.

**Mr LUCAS:** The member for Gregory raises a very good question: what has Martin Ferguson done? Two months ago he said there would be \$80 million for Tully. He committed to the Townsville port access road as well. The other day he committed \$25 million funding to match the funding that the state allocated—we allocated \$25 million and he allocated \$25 million—for the Acacia Ridge rail crossing. How much money did members opposite put up for that? Five million dollars for a \$50 million project! Each three years Gary Hardgrave—

**Honourable members** interjected.

**Mr SPEAKER:** Order! Members will cease interjecting.

**Mr LUCAS:** Martin Ferguson was at the worst intersection in Brisbane, the Kessels Road/Mains Road intersection, and he committed the money. Gary Hardgrave even claimed in advertisements that he put the money in; his federal minister writes and contradicts him.

People like Gary Hardgrave and Teresa Gambaro claim that they are going to take the toll off the Gateway Motorway, a proposition pooh-poohed and ridiculed by the then roads minister, Senator Campbell. I wish the coalition would actually do us a fair deal when it comes to roads—other than Tully and other than the Callemondah overpass in Gladstone, which we welcome.

### **Energex; Mr D. Nissen**

**Mr HOBBS:** My question is addressed to the Premier. In the absence of the Treasurer, will the Premier please explain: if the Treasurer was not satisfied with the advice from Energex chairman Don Nissen that there was no question in relation to Mr Maddock's expenses, why did he not refer the issue to the CMC rather than his own Treasury officials?

**Mr BEATTIE:** I think when people have an opportunity to read in some detail the statement I delivered to the House this morning they will see that that question in particular has already been answered, but I will give the answer again. The reason is very simple. The process is as follows. The Auditor-General writes to the shareholding ministers and draws to their attention something that the Auditor-General is concerned about. The Auditor-General asks for a response to those concerns.

What happened in this case is that Treasury, through the Under Treasurer, began an appropriate investigation to provide the Auditor-General with an answer. That is all the Treasurer did. That is all the shareholding ministers did. That is all I authorised. To do that, they have to go to the GOC and ask a whole series of questions, which was done. The letter I tabled today and had incorporated in *Hansard* is the government's formal response to the Auditor-General's questions, which were a result of that investigation. I have also tabled the report itself—not just my reply but also the report itself—into that investigation. The next stage is that the Auditor-General will now report to this parliament. That is a normal process.

Any comments by the chairman, in this case Don Nissen, are included in the response. The member will recall that this morning I read at some length Crown Law advice in relation to the material that Don Nissen had provided. When all of that material was obtained from Don Nissen—I have already tabled it for the House—it was sent for assessment and Crown Law then gave us a view on it. On the basis of that I met Don Nissen yesterday. So it is normal. It is not only normal; the GOC Act has investigative powers for this purpose. That is what the law provides.

The member asked about the CMC. The CMC does not have powers under its act to deal with official misconduct. The member for Warrego is deputy chair of the PCMC. He knows that. The CMC does not have jurisdiction here. The appropriate bodies to have jurisdiction here are the Auditor-General, by a report to this parliament, or the police. The report found here that there was nothing illegal

done but that there was clearly a breach of appropriate guidelines, which is why two of the directors have offered their resignations.

### **National Police Remembrance Day**

**Mr ENGLISH:** My question is addressed to the Minister for Police and Corrective Services. Can the minister please outline to the House how Queenslanders can pay their respects this week to police who have lost their lives in the line of duty?

**Ms SPENCE:** I thank the honourable member for the question. I know that, as a former police officer, he understands the risks and the challenges our police face every day as they serve the community. I think they see the best and the worst of humanity as they protect the lives and property of Queenslanders. Sadly, on some occasions they themselves become the victims.

This week the Queensland Police Service is asking the general public to support them as they remember their fallen colleagues. Tomorrow we observe National Police Remembrance Day. Thirty-three church services and 10 marches will be held throughout the state. For the first time there will be candlelight vigils held at 7 o'clock this evening in three cities—Brisbane, Cairns and Rockhampton. Police are asking members of the general public to come to these church services and candlelight vigils and pay their respects to their fallen colleagues.

National Police Remembrance Day was established in 1989. It is held at this time of the year to mark the Feast of St Michael, who was always fighting evil and who is the patron saint of the police. Different police districts throughout the state have their own ways of commemorating National Police Remembrance Day. I know that in Mareeba, where I recently visited the district office, they have their own local flag which has the names and the stories of the nine police officers in that police district who lost their lives. Those nine police officers are among the 132 officers around the state who lost their lives in the line of duty. Of those 132 officers, 27 were murdered or died while attempting to save a life, 30 were killed in World War I, and 75 died in transport related accidents at work. The first names on the list are those of constables Patrick Cahill and John Power. They were murdered on 6 November 1867 at the Mackenzie River crossing by Rockhampton's gold commissioner while escorting a consignment of bank notes and bullion from Rockhampton to Clermont. The last name of course belongs to Senior Sergeant Perry Irwin, the officer in charge of the Caboolture Police Station who was shot on 22 August last year.

I urge all Queenslanders to wear a blue ribbon tomorrow and remember the fallen police officers but also take this opportunity to remember the challenging and often dangerous jobs that our police officers engage in every day in their workplace. Mr Speaker, I thank you. I understand that you are making the blue ribbons available to all members of parliament so that they can wear them for respect tomorrow.

### **Energex; Mr D. Nissen**

**Mr QUINN:** My question is addressed to the Premier. I refer to the findings regarding Mr Nissen in the report to the Auditor-General by the shareholding ministers, which the Premier tabled this morning and which states that Mr Nissen did not adequately fulfil his responsibilities with regard to corporate governance. Given the Premier's assurance this morning that he would follow all due process, is there any further action he intends to take regarding these failures?

**Mr BEATTIE:** I say to the Leader of the Liberal Party what I said earlier to the opposition spokesman. When the member makes a detailed study of this report, which I know he will do, he will see that the report deals with each one of the issues—whether there has been a breach of particular pieces of legislation and so on. It goes through them in this report. The questions are, for example: has there been anything improper done here; and should this have been referred to ASIC? All those sorts of issues have been canvassed. I dealt with them in the material I tabled this morning.

The appropriate action here is for the government, through the shareholding ministers, to discuss the report with the chairman, which I have done, to raise those issues with the chairman, which I have done, and for the chairman to take the appropriate action, which he has done; that is, to offer his resignation. If we look at the circumstances here we see the conclusions of Crown Law in relation to the behaviour and the arguments about what was in the written contract and what was in the verbal contract. There was a first contract and there was a second one.

What is the appropriate behaviour here? The appropriate behaviour here is what the chairman did, and that is to resign. There is no recommendation from Crown Law or from anyone else that we should proceed beyond what we have already done. There were issues raised in relation to one of the other directors. Again, the shareholding minister, the Leader of the House and I met with that other director and I again met with him personally. He has also offered his resignation, which I accepted.

The findings of the report, which I have tabled, draw certain conclusions. Yes, there had been criticism of the chairman. The appropriate action recommended for us to take was to raise issues with the chairman, which I have done, and the chairman appropriately has resigned.

### Drought Assistance, Darling Downs

**Mr SHINE:** My question is directed to the Minister for Primary Industries and Fisheries. I refer the minister to the Howard government's decision to deny Darling Downs farmers continued Commonwealth drought assistance, and I ask: what impact will this cold-hearted decision by the Howard government have on the Darling Downs region?

**Mr PALASZCZUK:** I would like to thank the honourable member for the question. Just like him, I believe the decision by the federal government to deny EC assistance to 3,500 producers in the Darling Downs area was a disgrace. The last act by the Howard government for Australian agriculture before it entered caretaker mode was to end EC assistance for producers in Cambooya, Chinchilla, Clifton, Dalby, Jondaryan, Millmerran, Pittsworth, Toowoomba, Wambo and Warwick shires, as well as the part shires of Murilla, Rosalie and Tara.

EC welfare assistance expired on 23 July and EC interest rate subsidies expired on 14 September. There are many farmers who cannot afford another three years from the Howard government. My disappointment with the federal coalition's decision should be shared by the Leader of the Opposition, by the member for Cunningham and by the member for Darling Downs.

**Honourable members** interjected.

**Mr SPEAKER:** Order!

**Mr PALASZCZUK:** All I can hear from those members, Mr Speaker, is squeaking and squalling in this House and not a word outside. The silence from the member for Darling Downs is particularly concerning because he knows how devastating the denial of further EC assistance is. In a column he submitted to the *Highfields Herald* newspaper prior to Warren Truss's announcement, the member for Darling Downs wrote—

I know only too well that the revocation of EC for the Darling Downs will have a devastating effect on our rural communities. The rural sector is desperate to retain EC and it would be very difficult for many to survive in the current economic and climatic conditions without this approval.

He goes on to state—

The revocation of EC for the Darling Downs would be a huge blow to the rural economy and the repercussions will be felt for many years to come.

**Mr Johnson** interjected.

**Mr SPEAKER:** Order! Member for Gregory, my final warning.

**Mr Hopper** interjected.

**Mr SPEAKER:** Order! Member for Darling Downs, my final warning.

**Mr PALASZCZUK:** If the member for Darling Downs believes farmers in his electorate will not survive because of the Howard government's decision, why is he not fighting the Howard government? If he believes farmers in his electorate will not survive because of the Howard government's decision, why does he not get out there and support Labor?

Labor, on the other hand, has promised to review the Howard government's decision after 9 October. Whilst the federal government's drought assistance for Darling Downs producers has ended, the Queensland government continues to provide assistance for producers in the region. Cambooya, Clifton, Jondaryan, Murilla, Rosalie and Wambo shires remain drought declared by the Queensland government, and producers in other shires are eligible to apply for assistance for up to another two years even if conditions improve dramatically, as we all hope.

I can also announce to the House today that we as a government have decided to extend the drought carry-on finance scheme to assist drought affected producers to meet general operation expenses such as fodder, freight, fuel, machinery repairs, rates or desilting farm dams. Give us a hand, member for Darling Downs. Be honourable to the words that you have uttered—

Time expired.

### Water Allocation

**Ms LEE LONG:** My question is directed to the Minister for Natural Resources and Mines. Water is rapidly being moved to a system of title similar to that of land ownership. This involves the separation of water from any particular block of land with a water licence or water allocation attached to it. What impact does the minister expect this will have on the valuations of those blocks, in particular farm land, which will have the water separated from them, meaning that those farms will become valued as dry farm blocks?

**Mr ROBERTSON:** I thank the honourable member for the question. In relation to the issue of valuations and the ongoing water reform that is occurring not just here in Queensland but Australia-wide, the honourable member I hope by now would be aware that the reforms that she has been talking about are reforms that are required of the states under previous COAG agreements in relation to overall

water reform—in particular, the issue of the separation of water following the water resource planning process and resource operation planning process whereby, in general, water users or licence holders get volumetric allocations that are tradeable. Yes, they are separated, as the member suggests.

The issue of valuations is something that has exercised my mind and that of the department's and we are currently working with LGAQ on a number of trials throughout the state to assess exactly that. So it is a bit difficult to provide the member with any further information at this point in time as to the outcomes of those studies, but I can assure the honourable member I am attuned to the issues that she has mentioned. It is something that is exercising our mind.

I take the opportunity, given that the question was asked by the member for Tablelands, to raise some concerns about a letter I have received from the honourable member calling for an extension of time for the water resource charges discussion paper to be considered and to be extended from 30 September to 30 October. She alleges in this letter that, in her view, there has been inadequate knowledge about this water resources charge discussion paper. I understand she has organised a public meeting in her electorate on Thursday night.

I want to place on record in relation to the concerns expressed by the honourable member that she was sent 12 copies of that discussion paper in August. It is now late September. I would have thought, as someone who was provided with 12 copies of that discussion paper, that she would have circulated it to interested parties in her electorate. I can assure her that in relation to the four mayors she mentions who were unaware of this discussion paper that copies would have also been sent to local governments. In fact, over 3,000 copies of the discussion paper were sent throughout Queensland in early August. In addition, advertisements were placed in all major newspapers alerting the general public to this discussion paper, including her local newspaper.

I hope on Thursday night she does not try to spin this issue further than she might otherwise do, because the record simply is that we have exhaustively circulated this discussion paper throughout Queensland to the extent that everyone with an interest in water should be aware of its existence and its content.

### Federal Election; Education Policy

**Mr HAYWARD:** My question is to the Minister for Employment, Training and Industrial Relations. After years of ignoring calls for action on Australia's skills shortage, John Howard has produced a new policy two weeks out from an election. Can the minister give any details of these measures?

**Mr BARTON:** I would love to, and I thank the member for the question. We are now facing what is the worst and most widespread skills shortage in living memory. The state government, industry groups and unions have all consistently told the federal government that it needed to act. However, two weeks out from a federal election the Howard government, with absolute breathtaking hypocrisy, has suddenly discovered this national crisis. Instead of putting money into training places through the existing system, the Prime Minister has a half-baked proposal to create 24 new technical colleges across Australia catering for 7,200 year 11 and 12 students. What is more, students of these colleges could be charged up-front fees by private operators. We are still waiting to see the final details, but Brendan Nelson is quoted as admitting as much in today's *Australian* newspaper—very interesting reading.

Compare that with the Beattie government's education and training reforms for the future which will provide flexible pathways including vocational education and training for all of Queensland's 86,000 year 11 and 12 students—86,000 compared to the federal government's proposal for 7,200 right across Australia. Queensland is providing the 70 per cent of students who do not go to university with real choices.

This year we have 6,867 year 11 and 12 students in Queensland doing school based apprenticeships and traineeships including 1,240 apprentices. Figures from the National Centre for Vocational Education Research show that in the March 2004 quarter Queensland provided a massive 49 per cent of all of Australia's school based apprenticeship and traineeship commencements.

Six years ago the Beattie government recognised the emerging skill shortages and introduced incentive payments of up to \$2,000 for employers to take on additional apprentices and trainees in industries. Since then around 12,540 Queensland employers have been paid \$46.7 million to take on 18,871 additional apprentices and 7,159 additional trainees in industries with skill shortages. Our record investment in skills development has produced record numbers of apprentices and trainees in training. After being reelected this year, the Beattie government launched our \$1 billion SmartVET initiative designed to counter shortages and equip our workers for industry of the future.

The federal election offers the country a fresh approach to this critical area by a Latham government. Federal Labor is committed to creating 20,000 new TAFE places each year for three years. It will follow the lead of the Queensland government in investing \$700 million under its *Youth guarantee: learn or earn* policy. Seriously and clearly, the Howard government has had its chance to do something about the serious issue of skill shortages and has been found seriously wanting. It is time for a new

direction. It will take more than a tool box allowance and a half-baked technical college proposal to provide it.

### National Livestock Identification System

**Mr HORAN:** My question without notice is to the honourable Minister for Primary Industries and Fisheries. I refer to the federal coalition's commitment to provide \$20 million to support the implementation of the National Livestock Identification System and this government's pathetic \$4.9 million NLIS package that in fact provides only \$690,000 towards NLIS infrastructure at saleyards and abattoirs, all the other funding being for the normal brands and property registration things which the government has done for years.

Given that Queensland has half the national beef herd and a cattle industry worth \$3 billion a year, why won't the government do as other states have done and provide NLIS industry implementation assistance greater than the measly \$690,000 currently on offer, and why won't the government provide assistance in the form of electronic tag subsidies?

**Mr PALASZCZUK:** I would like to thank the honourable member for the question. As the honourable member knows, our government made a firm decision, announced by the Premier in this House, in relation to the method of implementing national livestock identification in Queensland. The Queensland government, and myself as minister, have said over and over and over again that the Queensland government will not be providing subsidies for the NLIS full stop, because we believe that to be a national government priority. It is a national scheme, and it should be provided for by the national government. The federal opposition has actually offered \$10 million towards the subsidy of tags. As to the \$20 million that the federal government has offered, if the member reads the fine print he might find out that it is not as lucrative as he thinks it is.

While I am on my feet and we are talking about federal government election promises, let us have a look at the National Party performances. One of the most interesting features of the federal election campaign is the performance of the National Party in Queensland. On ABC TV's *Stateline* on Friday night the National Party Senate candidate Barnaby Joyce said, 'Well, we are all standing behind our policies that deal with... zonal taxation and policies such as mandated ethanol usage, and policies such as breaking down the retail centralisation. We've got policies and we stand behind them.'

The problem for Barnaby Joyce and the National Party is that the coalition does not have a policy for zonal taxation, the coalition does not have a policy for mandated ethanol usage, nor does it have a policy of decentralising retail trade. Honesty is not a National Party policy. If the coalition is re-elected, the National Party will ensure that Telstra is fully privatised. What is the member for Maranoa saying? 'When elected I, as the member for Maranoa, will oppose the full sale of Telstra,' but he has voted for the privatisation of Telstra twice—not once but twice—in the federal parliament. Therefore, if we talk about the National Party we talk about its policies. Honesty is not a policy of the National Party.

### Department of Child Safety

**Mrs DESLEY SCOTT:** My question is to the Minister for Child Safety. What has the minister's department done recently to improve alternative care for Queensland's vulnerable children and young people who find it difficult to adjust to traditional foster care arrangements?

**Mr REYNOLDS:** I welcome that important question from the member for Woodridge. I would like to thank her for her attendance and support on a major occasion in her electorate last week. A new era in child protection in Queensland began last Friday with the official launch in Logan City of the new Department of Child Safety, a purpose-built agency that is focused solely on the needs of children and young people at risk of harm, abuse or neglect. It was a very special day for the people of Queensland because it confirmed the Beattie government's commitment and dedication to protecting our greatest assets—the children who represent the future of this great state of Queensland.

On Friday we also released a six-month report card outlining the department's progress towards implementing the reform blueprint. It shows that we have already made a number of significant milestones. I formally table that report for the information of all members.

The vision is quickly becoming a reality. We are now an operational department with staff, offices and resources. It began with a massive recruitment campaign that attracted more than 10,000 inquiries and approximately 1,600 applications. We have seen the permanent appointment of 48 qualified child safety officers in priority areas throughout Queensland. A further 60 existing long-term temporary positions in area and zonal offices have also been made permanent. Another 200 applicants have been identified as suitable for employment. They will be joining the child safety team subject to training and placement discussions. A total of 318 front-line and supporting staff positions will be filled by the end of next year, and a further 200 staff will be employed over the following two years.

I am delighted to say that the new department is on target towards meeting the 110 recommendations of the January 2004 Crime and Misconduct Commission report into the abuse of

children in foster care. Our project teams have started work on 83 per cent of the CMC recommendations. We have already completed 18 of those recommendations. Changes to legislation, which give stronger support to vulnerable children and young people and improve the capability of government and non-government agencies that deliver child protection services, have been implemented, and more legislation is being introduced today.

While the new department has undergone extensive structural changes and will not be fully operational until December, there has already been a fundamental shift in the way the child protection system operates in Queensland. There is a real sense of commitment and a real sense of dedication surrounding the new department. I am sure that the energy is coming from the knowledge that we are involved in something special; something that is changing the lives of many Queensland children and young people.

### **Member for Noosa, Comments about Liberal Party MPs**

**Dr FLEGG:** My question without notice is to the Premier. I refer the Premier to the highly offensive remarks made by the member for Noosa last week, in which she stated that she holds Liberal MPs personally responsible for the hundreds of deaths associated with the horrific Bali terrorist bombings, and whose husband is shown in today's press posing with machine guns and Islamic terrorists. I ask: why did the Premier fail to show leadership and censure the member for her comments and simply leave it up to one of his ministers to chat with the member? Or is it the case that the Premier also shares her belief that Liberal MPs are to blame for the cowardly murder of innocent Australians and Balinese?

**Mr BEATTIE:** I say right at the outset that I do not agree with the comments made by the member for Noosa, and I have made that abundantly clear. It was not just the 'chat' that the member for Moggill referred to. As the member knows, and as he is aware from matters that I tabled in this parliament this morning, in the last while since I returned from overseas I have been focused on the issues involving Energex.

Terry Mackenroth, the Deputy Premier, is overseas; Anna Bligh is the No. 3 in the government. I asked Anna to talk with Cate about this matter on the basis that I did not share Cate's views. As a result of Anna's communication with Cate, Cate issued this statement—

State member for Noosa, Cate Molloy, this afternoon moved to clarify her remarks regarding terrorism. I have strong views about the issue and I feel very passionate about the rise of terrorism in the world. In retrospect I could have chosen my words more carefully to express my views. I certainly meant no offence to the victims or their families.

It says—

I regret any hurt that may have been caused by my comments.

Indeed, on ABC Radio she, in fact, apologised. These issues are emotional ones. People feel very strongly about those matters. I have made it clear that I do not share her views. We have taken the appropriate steps to clarify these matters, and the member for Noosa has issued the appropriate statement and apologised. I table the statement by Cate Molloy for the information of the House. I also highlight that an AAP report of my comments at the time said this—

As you would appreciate, I don't share her view. No, on this matter she's wrong, and she knows that she's wrong and she did go too far.

I said that very clearly and I table that AAP report for the record. These are, as I said, emotional issues. They need to be handled sensitively. No rational examination of this issue would lead anyone to believe that Liberal Party members individually would be responsible. I have made my position clear on it and so has Cate Molloy.

### **Racing Industry**

**Mr LAWLOR:** My question without notice is to the Minister for Public Works, Housing and Racing. I draw the minister's attention to an article in last week's *Australian Financial Review* which states—

Queensland Racing continues to be strong.

I ask is the minister aware of the article and does it accurately reflect the status of the Queensland racing industry.

**Mr SCHWARTEN:** I thank the honourable member for his question and his ongoing interest and support for the Queensland racing industry. I am aware of and I happen to have to hand that article. That statement was made by CCZ Statton Equities analyst Tony Waters who said that it will continue to post higher growth than the combined Tabcorp. He was referring there to the TAB—UNiTAB, of course, in Queensland—whose shares have gone up by something like 25 times this year. By those indicators alone Queensland Racing is certainly surging ahead.

Let us not just use that example.

**Mr Hobbs** interjected.



**Mr SCHWARTEN:** Let us try the group races that came in last week. There were 13 more group races; 13 more black type races in Queensland. That is very, very important.

**Mr Hobbs** interjected.

**Mr SPEAKER:** Order! Member for Warrego, my final warning.

**Mr SCHWARTEN:** I know that the National Party wants to undermine racing in Queensland. We know that. We know that it will never say anything favourable about it. I understand where they are coming from but let us look at the facts. The participation rate is higher than New South Wales at the moment; there are more starters on average than New South Wales. Is that a positive? I would have thought so. Prize money has gone up by \$15 million in Queensland. It is down by \$3 million in South Australia. Do you reckon we are doing better than South Australia, Mr Speaker? I think we might be.

The fact is that by every measure and indicator Queensland Racing is flourishing far and above any other state. It is a fact of life that the tough decisions that have been taken and my predecessor's decision to bring legislation into this place, which I might add was supported by everybody at the time, was the right thing to do. Of course, there always has to be fine tuning and we will continue to do that.

Today I will introduce legislation into this parliament that will deal with the issue of country racing. There are many issues that continue to confront the government but I believe that for once in their lives the members opposite should give credit where it is due and stop their continued attack on Queensland Racing, especially on the chair of the Thoroughbred Racing Board of Queensland, Mr Bentley. In the last sittings, in this chamber, the member for Toowoomba South referred to him as a Labor pimp. I challenge him to have the stomach to repeat that outside of here; chuck the coward's mantle off and go and do it. I know he will not do that.

I urge people to look at the facts. We have a flourishing and solid racing industry in Queensland by any state comparison in Australia. I urge honourable members to focus on that and to throw off some of that other stuff, especially this lot over here, who continue to mourn the passing of Phar Lap and who are pretty well stuck back in that era.

### **Women's Health Centres**

**Miss ELISA ROBERTS:** My question is to the Minister for Health. Will the minister advise whether he has agreed to meet with representatives from women's health centres in Queensland to discuss their funding requirements or is his refusal to meet with them a tactic he employs when he is about to either decrease or reduce funding, as the minister did with the Queensland AIDS Council when he refused to meet with it prior to funding being ceased?

**Mr NUTTALL:** There are two issues. As honourable members would know, the honourable member for Bundamba is my parliamentary secretary. She has actually toured the state and visited a number of the women's health centres and is actually meeting with them in the very near future.

### **AFL Kickstart Program**

**Mr O'BRIEN:** My question is to the Minister for Aboriginal and Torres Strait Islander Policy, and I ask: following the keen interest in the AFL grand final on the weekend what is being done to make sport available to children in remote parts of Queensland, in particular Cape York Peninsula?

**Ms LIDDY CLARK:** I thank the member for Cook for the question. My commiserations to the Brisbane Lions. We have three in our kick; we cannot be greedy.

**Mr Wilson** interjected.

**Ms LIDDY CLARK:** Exactly right, we can share. We do not mind sharing.

**Mr Wilson:** Not with the Victorians though.

**Ms LIDDY CLARK:** As long as it is South Australia, good on you. In all the excitement of last week's AFL grand final, it is timely to remember that this great game has fans all over Queensland. We are not only avid spectators of Australian Rules Football but many Queenslanders of all ages are keen players. The AFL Kickstart program is one initiative bringing Aussie Rules to kids who otherwise might not have had the chance to develop both their love of the game and their footy talents.

The AFL kickstart program has been running since 1997 with the aim of enhancing the life skills of Aboriginal and Torres Strait Islander Australians and increasing participation in sport through Aussie Rules.

I can speak first hand of the program's outstanding success in far-north Queensland because earlier this month I visited the finals of the Kickstart competition in Weipa. Four teams with children from all over Cape York and the gulf travelled to Weipa to take part in this event. The three-day Cape York Crusader Cup under 13 regional championships saw 64 boys and girls who had competed among the 400 children playing in the Cape York zones travel to Weipa to have a crack at the final. From those four teams a far-north Queensland side is chosen to represent the Cape in the Queensland country

championships. The Cook Cluster Cats, the Torres Strait Dockers and the Gulf Lions all travelled many hours to join the Western Central Cape Eagles in Weipa for the tournament which included AFL clinics, health workshops and education programs, with the Cook Cluster Cats emerging as the winners in this competition.

Every child in those teams was a fantastic competitor and the skill of many of the young athletes was striking. It was great to see Brisbane Lions' player Jamie Charman mixing with the young players whose dream is to follow in his footsteps.

The Kickstart program is about more than recruiting young people to AFL and sporting futures. Its central mission is to give the children life skills and provide them with direction and guidance on how to live healthy, safe lives and to improve the opportunities of young people in remote communities. It encourages students to be actively involved in school, to learn the value of respect and to stay away from substance abuse. I am proud to be part of a government that, through the Department of Communities, is supporting this program with a grant to help establish a range of initiatives to encourage and reward students for leadership skills, school attendance and behaviour that shows respect to others.

The AFL staff who are running this program must be commended for their dedication, their passion and their commitment to these young people. It is through programs like this that we can start to break the cycles of substance abuse and violence in some of our most remote communities. I congratulate the AFL for their efforts and achievements and Rick Hanlon, the AFL Queensland development manager for north Queensland, and his team on their work on this great initiative.

### Fishing Closures

**Mr ROWELL:** I direct a question to the Minister for Environment and Local Government. I refer to the Beattie government's planned closures in state waters adjacent to the Great Barrier Reef, and I ask: could the minister provide details of the industry and community consultation that the minister's government has carried out to date on the state government's proposed closures? What further consultation is planned? When does the minister expect a final decision on these closures to be made?

**Ms BOYLE:** I thank the honourable member for the question, which is of considerable importance and interest to people living right along the coast of Queensland and particularly to fishers. The consultation process that had been undertaken under the guidance of the former Minister for Environment was excellent. Brochures were produced, which I have since read, that were easily understood. They were not brochures 50 pages long in tightly packed bureaucratic print. On the contrary, the brochures were a few pages in length. They came straight to the point and provided directions for more detailed information should that be required.

Additionally, there was an easy-to-follow web site. It was as simple as clicking on a picture of the Great Barrier Reef in order to access the maps, the documents and the forms by which one could reply easily to the department. I am also pleased to say that if that was not enough, there was a free-call number where there could be direct verbal consultation. In fact, I know that some 100 or so people took up that opportunity to speak directly to somebody. In that way they were able to really talk about their areas of particular concern. What I am able to say to the honourable member—

**Mr SPEAKER:** The time for questions has expired.

## MATTERS OF PUBLIC INTEREST

### Energex; Mr G. Maddock

**Mr SPRINGBORG** (Southern Downs—NPA) (Leader of the Opposition) (11.31 a.m.): I rise to make some further comments and observations surrounding the tragic death of the former CEO of Energex, Greg Maddock, and also about the overall issues relating to Energex. As I have talked to people over the past 10 days, it has become very apparent to me that Greg Maddock was very much respected across a whole range of fields. He was not only dearly loved and is going to be sadly missed by his family but also he was dearly loved and is going to be sadly missed by his work colleagues. Greg was highly respected by the staff and board members of Energex. He was highly respected within the business community because of his professionalism, because of his contribution to business and because of the way in which he went about not only his personal administration of Energex but also the administration that he previously carried out in jobs he held throughout the country. Those particular skills are not easy to replace and they are going to be very, very sorely missed. I again say to Mrs Maddock and to the family: please accept the condolences and all of the support possible that the Queensland Nationals can provide.

I would also like to comment, as did the Premier today, on the story that appeared in the *Australian*. The section that quotes me is a complete and absolute fabrication. It says that I had called for the former CEO of Energex to go and for the Premier to sack him. At no time did I make those

comments publicly or privately, nor did I make those comments in a one-on-one interview with any journalist in Queensland or anywhere else throughout Australia. So the Premier and I may be at one on this issue of misrepresentation in that media article. I cannot speak about the Premier's alleged misrepresentation, but I can speak about mine. If I had made that statement, then it would have been carried in the media not only in this state but maybe also interstate. It is somewhat strange that that comment that I was supposed to have made about Greg Maddock having to go did not appear in any media until today. This morning, when we rang the journalist in question—Mr Roberts—he said that it was part of a one-on-one conversation that I had with him and that it was a very significant comment that I had made. That was very convenient. If it was such a significant comment that I was supposed to have made, then why did it not appear in the media at the time when I was supposed to have made the comment, which was in July of this year?

I will be critical of the performance of people. It is my role and it is my duty to do so, just the same as the Premier will be critical of the performance of people, including the performance of members on this side. That is his role. I criticised the government for its role in the Ergon and Energex crises and I criticised some of the board members. At the time, when I was pushed and questioned on who should be sacked or who should resign—and at that time there was a lot of blood lust and diversion—I said that it should be the board members of Ergon and Energex. I said that the government ministers involved have to go first of all, because they were the ones who appointed these people and presided over this crisis at a shareholding ministerial level and then I said that if you are looking for people to go, maybe you could look at the board. At no stage I did ever say that publicly or privately in relation to the paid staff of Ergon or Energex who were just simply carrying out the job of administering what they were supposed to be doing.

That sort of fabrication gives journalism a bad name. I commend the other media in Queensland that, quite frankly, accurately reported the comments that I had made at press conferences or I had made in one-on-one interviews. I do not mind if I am going to be castigated in some way or if I am going to be affected in the same way in the media because of some comments that I have made. But when it is based on some comments that I have not made, then quite frankly that is beyond fair cop.

This morning in this place the Premier asked: what more could have been done with regard to the issue of Energex and the tragic circumstances surrounding the untimely passing of Greg Maddock? That is a question that a lot of us ask. It is a question that I asked myself a few months ago when I personally went through a similar situation. I think that we need to acknowledge some issues. We need to acknowledge that, to date, the people who have had to take responsibility in this matter have been those who have been the board members of Energex and, in some way also by reflection, the board members of Ergon and in some ways the paid staff. I think that it behoves the Premier to maybe reflect and acknowledge the government's complicity in the energy crisis and the issues and its administration of this entity, of which it has at all times two shareholding ministers. It also behoves the Premier to stand in this place today and acknowledge the responsibility, either shared or individually, of each of those four ministers plus the Treasurer who continue to sit in this place and who at various times have had responsibility for the Energy portfolio in this state.

It would be ludicrous and ridiculous to think that this energy crisis and the circumstances of Ergon and Energex arose because of the actions of the board and the paid staff, including the executive managers, alone. We have shareholding ministers who are responsible for setting the overall policy direction of those GOCs who have not been held accountable, who have continued to hold their positions and who have continued to be promoted in this place. A lot of Queenslanders are asking questions. The Premier could have also said in this place that the government's policy of taking dividends at the level that it has taken dividends—and taking special dividends—was unsustainable and contributed to this crisis and pressure that board members and executive staff and other staff have had to labour under.

The Premier could have acknowledged that the government, by and large, had caused much of this problem. He could have acknowledged that the government had done this because it needed to prop up its budget bottom line. He could have acknowledged that the crisis was still there and needed to be fixed and that the government had contributed to that.

We also have to reflect on the extraordinary pressure under which the staff of Energex and Ergon continue to find themselves. My colleague the Deputy Leader of the Opposition had the opportunity as shadow minister recently to go to the Energex call centre. He reflected and remarked to us about the extraordinary pressure that those people were under and the fact that they were wound up like rubber bands almost waiting to burst and waiting for things to go wrong. He said that they felt like they had been left there alienated and were copping the responsibility for this crisis. We have to acknowledge that pressure. We have to acknowledge that the work they are doing is the best that they can do in those circumstances, and those circumstances need to be made better.

We also know that those people have been short-changed. We know that those people have been blamed. We know that those people have been left to carry the can whether they are in the call centres, whether they are the people who are administering the policy direction of the government and

of the boards or whether they are the linesmen who are responsible for a range of duties. We also need to acknowledge that the boards themselves have been put in a ridiculous situation by forcing them almost into a breach of their fiduciary duty—that is, the obligations that they have as company directors not to pay dividends at a higher level than what the company can afford, because if any other company had done that then those people would be before ASIC.

There are unanswered questions. Why did Mrs Maddock make those comments that she made on the day of her husband's funeral? That has not been answered. What about the curious smear of Greg Maddock throughout the media leading up to the circumstances that we see today and in days prior to this about the issues? Who let out that information regarding that investigation? What were the circumstances and the motivation for that?

Time expired.

### **Brisbane Urban Corridor Study**

**Mr REEVES** (Mansfield—ALP) (11.41 a.m.): I feel that it is my duty to inform the House of the actions of the man we all know as the con man of Moreton, Gary Hardgrave—or is it the all words, no action, no results man? During the past month Mr Hardgrave has reverted back to what he does best—blaming everyone else but his own government for the traffic problems facing the Brisbane urban corridor. The Brisbane urban corridor, which takes in Mount Gravatt-Capalaba Road, Kessels Road and Riawena Road, is part of the federal government's National Highway. In one of his latest propaganda pieces, Mr Hardgrave has the gall to suggest that one of the achievements of the Howard government in Moreton was an 'additional \$2 million secured for the Brisbane urban corridor study'.

I am outraged that as a taxpayer over \$3 million for the Brisbane urban corridor traffic study has been wasted by this deceitful federal government. The federal government still has not released the actual final report—it still has not released the actual final report—when it received it in November or December last year.

**Mr Lucas:** It was 7 December last year.

**Mr REEVES:** Yes, as the minister says. The study's draft recommendations requested action by the state government, and this had already started to be implemented by the Minister for Transport, Paul Lucas, and his department and his predecessor, Steve Bredhauer. As taxpayers we should be shocked but not amazed, because this is typical of the federal Liberal government. I ask: why have a \$3 million study if we are not going to implement the recommendations? The attitude displayed by the member for Moreton is Mr Hardgrave at his sleazy, deceitful best. It is a kick in the teeth for everyone on the south side who believes that the Howard government cared about improving traffic conditions along the Brisbane urban corridor. Mr Hardgrave is in for the shock of his life on 9 October.

The Brisbane urban corridor study revealed that action was required to be taken by the federal government and instead of getting on with the job the federal government took its political football and went home. Well, enough is enough! The Brisbane urban corridor is a federally funded road. It is part of the National Highway. It cannot all of a sudden say, 'It's not our problem.' It is its problem, and it needs to work with the community and the state government to fix it.

Three out of four trucks need to use the Brisbane urban corridor. They are travelling locally. The only workable solution to removing 25 per cent of trucks that could use an alternative route has come from this state government. We are committed to working with the community to remove unnecessary truck traffic. Rather than play the blame game, we have just got on with the job. The Transport Minister and his department are examining innovative ways to entice trucks to use appropriate routes such as the Logan Motorway. But we will only be able to finish this job if we have a Latham Labor government in power in Canberra. Only a Latham Labor government will work towards getting the job done along the Brisbane urban corridor and improving traffic conditions for our local residents.

Yesterday was a great day for the south side of Brisbane. The federal shadow minister for transport and infrastructure, Martin Ferguson, and the federal candidate for Labor for Moreton, Graham Perrett, announced that a federal Labor government will spend \$60 million improving the busiest intersection in Brisbane at Kessels and Mains roads. Finally we have a chance to have a federal government that is committed to taking the pressure off our local roads rather than simply shifting the blame. This improvement of having a grade separation overpass and underpass of Kessels and Mains roads will have a major benefit for the south side of Brisbane. To me the choice on 9 October seems pretty clear cut for the residents of the Moreton electorate. In one corner there is Gary Hardgrave—the tired, ignorant, utterly useless, all talk, no action, no results member for Moreton. In his three terms he has failed to initiate any improvements to the Brisbane urban corridor. On the other hand there is Graham Perrett. As a first-time federal candidate, he has been able to lobby the ALP to commit \$60 million to improving traffic flow in our local area.

It is a testament to Graham's ability as to what he has achieved as a candidate. Imagine what he will be able to achieve for our community as the federal member for Moreton. Mr Hardgrave is the weakest link. It is time for the residents of the Moreton electorate to bid him goodbye. As Gretel Killeen from *Big Brother* would say, 'It's time to go, Mr Hardgrave.' Only a Latham Labor government is

committed to implementing the Brisbane urban corridor study. Only a Latham Labor government is willing to work with the state government. Only a Latham Labor government will improve traffic conditions along the Brisbane urban corridor. It is clear that only a Latham Labor government will not only ease the squeeze for our families but also ease the squeeze on our local roads. The people of the community should support Graham Perrett.

### Federal Election; Interest Rates

**Hon. J. FOURAS** (Ashgrove—ALP) (11.46 a.m.): Honesty is the lost policy of this election. It is amazing how many Australians who are eminent in their fields believe that this election should focus more on the issue of truth in government. There were 400 more from universities just last weekend demanding that we have truth in government. However, truth under Howard is the ultimate disposable commodity lost in the pace and spin of politics. There is a fake economic debate taking place concerning interest rates, and this debate has been concocted by John Howard. For example, one only needs to look at the National Party web site. There they are asked to key in the size of their home loan and are rewarded with a box outlining their likely repayments under three scenarios: firstly, under the coalition with interest rates at seven per cent; secondly, under Labor with interest rates at 10 per cent; and, thirdly, under Labor with interest rates at 12 per cent.

In the final years of the Keating government, the Reserve Bank's then Governor, Bernie Fraser, increased interest rates and kept them high to squeeze out inflation. He began cutting rates within months of John Howard taking office. Howard had low inflation and low interest rates handed to him on a platter. Wasn't it Woody Allen who said that 80 per cent of success in life is just showing up? Howard had it on a platter. Put any five expert commentators together or any other number you like and none of them would be able to think of a likely scenario under which the Reserve Bank would be forced to push rates higher under a Labor government than under a coalition government. Labor's \$11.1 billion family and tax centrepiece is not inflationary as it is funded by 18 separate saving measures. Whilst Labor's industrial relations policy will increase the bargaining power of some workers, wage explosions are a thing of the past in the Western world. There is too much competition from countries such as India and China. This contrasts very badly with the \$12 billion-odd being promised by Howard—none of which is funded. John Howard was very critical of Latham because he had to take some hard decisions in funding his tax and families package.

Last week, when Howard was asked to name one independent economist who supported his claims, he said, 'I don't need to evoke names.' That is because there are no names at all. Rory Robertson, an interest rate specialist at Macquarie Bank and a federal staffer at the Reserve Bank, has labelled the coalition's claims as ridiculous and deliberately misleading. That is a big statement, is it not? Mr Robertson said that if a charter of interest rate honesty existed to go with the charter of budget honesty, some coalition figures would be 'behind bars'.

Conservative politicians are always making speeches about how we should concentrate on increasing wealth and not just sharing it around. However, in this campaign Howard is doing the opposite. He is doling out money from the budget surplus to 101 special interest groups and marginal electorates but ignoring the question of what we must do to keep the economy rolling. Last week a group of prominent economists warned that Australia's economic gains are starting to be challenged. Economic management means more than delivering budget surpluses and hassling the Reserve Bank to keep interest rates down. It means identifying future problems, tackling them early and giving them priority and resources.

Three problems stand out. Whilst Australia has had 14 years of growth, well over one million workers remain unemployed, underemployed or forced into early retirement. Our foreign debt has soared by \$163 billion in the past five years whilst export volumes have barely grown for three years. Australia's biggest long-term economic problem of all could well be global warming. Unfortunately, Howard's policies remain stuck on business as usual.

Australia must focus resources on creating jobs and increasing the skills of the low skilled. Too many Australians have been left out and too little has been done to bring them back in. Australia spends a mere 0.5 per cent of GDP on active support for the unemployed. We need to retarget money and train the workers in skilled trades with shortages as well as provide more intensive support for the young unemployed. Australia urgently needs to be more competitive in the world. Last year we produced just 0.98 per cent of global exports, which is down from 1.18 per cent in 1996 when Howard took power.

Since 1997, imports have grown three times as fast as exports. This trend is unsustainable and free trade agreements will not reverse it. Australia needs to invest more in infrastructure, R&D, education and industry and export development. Howard has refused to deliver on these issues, preferring to give priority to election bribes. Howard has turned his back not only on truth but also on our future.

Housing will be the social tragedy for the next generation of Australians. Home ownership has not risen during Howard's eight and a half years in government and is currently about 69 per cent.

Time expired.

## Public Housing

**Mr HOPPER** (Darling Downs—NPA) (11.52 a.m.): A diabolical mess has been created by Queensland's Housing Minister through his wholesale disposal of public housing and public housing land, and by his failure to replenish the greatly depleted housing stocks that have occurred under his direction contrary to ALP policy. To cover up his failures in delivering affordable housing for Queenslanders, the minister repeatedly adopts the ALP's tedious 'pass-the-buck and apportion-blame-elsewhere' tactics, and he blames the federal government.

The Labor government has turned blame politics into an art form, so much so that it runs the risk of rendering itself obsolete. One has to wonder what the ministerial representatives of this Labor government think the Queensland government is expected to provide. Whenever they run into difficulties—which everyone knows is quite often—they immediately blame the federal government, whether it is an issue of housing, education, health, transport, roads, the environment or even primary production. It takes wisdom, courage and at times intestinal fortitude to govern but, unfortunately for Queensland, our government does not display any of those attributes.

Let us have a look at the Housing Minister's record. On 27 November 2003, the Minister for Housing advised, through question on notice No. 1879, that the number of public housing applications totalled 31,760. Last month the minister, through question on notice No. 817, advised that the number of public housing applications that have been on the waiting list for over three years totalled 4,999. I must draw the attention of honourable members to the fact that these figures reflect the number of applications and not the number of people. Therefore, we are left to our own devices to calculate how many people, that is, our respective constituents, are affected by the ever-growing public housing waiting list.

With these alarming figures and the prospect that the waiting list will continue to grow, one could expect a responsible minister to be lobbying the Cabinet Budget Review Committee to gain extra funding to increase public housing stocks. Unfortunately for all those people on the public housing waiting list, that is not the case. In fact, instead of increasing the public housing stocks, the minister has engaged in a massive clearing sale. It came to light during last year's estimates committees process when the minister advised that his Department of Housing had sold assets to the value of a staggering \$138,241,000 during the 2003-04 financial year.

The minister has some form when it comes to clearing sales, and let us look at this record. Since he became Minister for Housing, he has disposed of some \$357.58 million worth of housing and land assets. In 1998-99 his sales valued \$31.42 million; in 1999-2000, \$33.99 million; in 2000-01, \$40.31 million; in 2001-02, \$51.60 million; in 2002-03, \$62.02 million; and of course we know now that during 2003-04 the minister sold off a staggering \$138,241,000 worth of assets. What has he done with all that money? Have we seen an increase in the construction of new public housing developments across the state? No! The only increase we see is the increase in the public housing waiting list. That is an indictment on the government and indicates quite clearly how this Labor government has been a complete failure in delivering its housing policy.

General principles of Queensland Labor's housing platform include promises to increase the public housing stock by public tender and direct construction, acquisition through spot purchase, restoration and rehabilitation of existing structurally sound dwellings, promoting small-scale redevelopment projects to provide public housing in existing residential areas, and allocating public housing funds to defined regions according to the principles of relative housing needs in those regions. Information should be gathered by the department and would include waiting times for types of public housing. Further, with regard to public land supply, Queensland Labor's platform states—

Labor will monitor the adequacy of stocks of serviced land in Brisbane and the provincial cities to avoid price escalation caused by shortages. Where necessary, the Department of Housing will acquire and develop land.

Do we see increased public housing stock that can adequately cope with the increasing waiting list? Do we see the Department of Housing acquiring and developing land, or even monitoring the adequacy of stocks of serviced land to avoid price escalation caused by shortages? No, we see the opposite! We see the wholesale disposal of both public houses and land.

As I said, through its incompetent minister this government has failed to deliver on its promises and has failed to implement policy on public housing. Since the Beattie government came to power, and under the direction of Minister Schwarten, this government has sold over \$357.58 million worth of public houses and public housing land. As I have stated, in the last financial year alone this minister has disposed of some \$138.241 million worth of assets, but we saw an increase of only \$36 million in the housing assistance budget in this year's state budget. While the minister was eagerly disposing of houses and land, thousands of Queenslanders, including elderly Queenslanders, are forced to face a housing crisis.

Earlier this year the federal Labor opposition leader outlined a public housing plan. In releasing that plan—

Time expired.

### Women's Suffrage

**Ms BARRY** (Aspley—ALP) (11.57 a.m.): Like many Queensland women, I am looking forward to next year's celebrations of 100 years since the passage of the bill affording women the right to vote in the state of Queensland. We have much to be proud of since that time, not only in terms of achieving the right to vote but also in the success of women parliamentarians in numbers and quality, the attention of government to issues of importance to women and the conduct and commitment to women voters to the electoral processes. It gives me a real sense of pride to hear political pundits identify the critical role the women's vote plays in modern politics.

The decision of the Queensland parliament to afford women the vote with the Electoral Franchise Bill passed on Wednesday, 25 January 1905 has well and truly been vindicated by the amazing contribution women have made to our state's political processes since that historic day. But as with the celebration of all historic moments, it is critical to give some thought to the struggle that went before the success. The achievement of the women's right to vote would be less momentous if we failed to give this struggle its due place in our retelling of history.

I would like to place on the record today my thanks to Mr John McCulloch for his assistance in the preparation of material for my speech today, and John is currently in the gallery. John tells me that the road to suffrage was long and hard fought. History shows that it took 15 years and eight bills to get the final successful passage of the women's franchise bill in this place.

In July 1890, the Hyne private member's bill was shelved in this place with no vote. July 1894 saw the Powers private member's bill defeated in this place. August 1894 saw the Glassey private member's bill defeated in this place. July 1895 saw the second Glassey private member's bill defeated in this place. October 1901 saw the Foxton government bill shelved in this place. July 1902 saw the Kidston private member's bill defeated in this place. One hundred years ago yesterday, on 27 September 1904, Peter Airey moved a government bill that passed through the Legislative Assembly but failed in the Legislative Council.

The matter did not finish there, however, and on 16 December 1904, in moving the adjournment of the House, Premier Morgan, who had been able to form government only with the help of Labor on the platform of introducing a suffrage bill, announced an extraordinary measure to force the passage of his franchise legislation. He summoned the parliament to meet 18 days later, on 4 January 1905. Not only was this measure itself unprecedented; it caused an enormous inconvenience to members of the parliament at the time. In those days country members would have had difficulty getting home for Christmas and back again by 4 January. Also, this parliament would have been most unpleasant in January without airconditioning.

When the parliament reconvened, both the Electoral Franchise Bill and a machinery bill known as the Elections Act Amendment Bill 1905 passed through this Legislative Assembly without division and were conveyed to the Council. Nevertheless, a motion in the Council that the Electoral Franchise Bill go to the committee stage was lost, and the basic thrust of both bills was encompassed in the Elections Act Amendment Bill when the other bill failed to return to the Assembly from the Legislative Council. Finally, on Wednesday, 25 January 1905 the Legislative Council acquiesced and the Elections Act Amendment Act 1905 was assented to on the same day by Lieutenant Governor Sir Hugh Muir Nelson. The next day, 26 January 1905, the Elections Act Amendment Act 1905 was proclaimed by a Queensland Government Gazette Extraordinary. It would not be until 1915 that women would be allowed to sit in the parliament, and it would not be until 11 May 1929 that the first woman would stand for and be elected to the Queensland parliament.

I think it is important to recall the history of the success of the vote for women in the most honest of ways. It reminds us that the struggle for women's voices to be heard is at times difficult. That was the case 100 years ago and remains the case today. It is 10 years ago yesterday that the Australian Labor Party moved the historic affirmative action rule change at its 1994 ALP national conference—a rule that afforded women to be preselected as candidates in a minimum allocation of 35 per cent of winnable seats. That, too, for many women here and in the party was a hard-fought struggle that has seen its greatest success here in the Queensland parliament. It is a fitting tribute to the pioneers of Queensland's women's suffrage movement.

The battle for effective representation of women and the issues that are important to them is enduring. As we celebrate the successes, let us recall the struggle and the courage of those people—both men and women—who took the lead in changing the lives of women and our society for the better and thank them for their efforts.

### Noosa Town Plan

**Miss ELISA ROBERTS** (Gympie—Ind) (12.02 p.m.): I have been approached by a number of constituents who reside in the suburbs of Cooroy, Cooran, Pomona, Kin Kin and Federal as well as others who are located within the boundaries of the Noosa shire. These people are extremely

concerned regarding some of the ramifications of the Noosa draft plan and how it negatively affects their properties' value and the individual right of a landowner to utilise his or her property.

Part of their concern stems from the heritage aspects of the NTP and the fact that some homes which are only six years old and built of Besser block have been designated as being of heritage value. Other properties have been downzoned, to the detriment of many home owners. The possible effects of indigenous cultural heritage and the way in which this is to be implemented is another area of contention for many freehold landowners.

Whilst these constituents appreciate the fact that the council has placed a population cap on the shire, they believe that the extent to which the heritage classification has been distributed is unfair and inequitable. None of the people whom this plan will directly affect want to be unreasonable; they just want to know that their home, which many have struggled for many years to obtain, is actually theirs.

The extent of the frustration of these landowners can be gauged by the fact that there have been four public meetings so far, with at least 60 members at each meeting. One man came up to me at one of the meetings devastated because he is afraid that his ability as an age pensioner to provide his two daughters with a tertiary education is now in question as he is no longer able to subdivide his property and it is now being described as having heritage significance. This has therefore reduced his chances of selling in order to provide the finance to send his girls to university.

A number of people are upset because they feel that they have been kept in the dark and taken advantage of in relation to the way in which the council commissioned historians in 2002 to seek information about and the history of Pomona by local residents. I have been told by some long-term residents that they willingly gave of their time to provide as much knowledge and information on Pomona as they could, but these same people were never made aware that the motive of the historians was to provide feedback for the NTP.

My constituents are still waiting for a response to a list of over 60 questions they presented to the Noosa Shire Council on 23 August. My real hope for these people is that the Noosa council will give serious consideration to each individual objection and submission regarding the NTP and will make the appropriate alterations in order to be fair to those people who have purchased properties and brought up their families in good faith, only to have their individual rights stripped at the stroke of a pen.

One would hope that the three-month consultation period is a genuine move on behalf of the council to gauge public opinion so that they as elected representatives of these same people can take their concerns seriously and act upon them. I would like to read for information parts of a letter that was sent to me to sum up the view of many of my constituents. It states—

The draft 'Noosa Plan' calls for Council to change zonings and impose excessive controls and restrictions on freehold land for what they believe to be the long term protection of the environment and the community. If accepted by the majority of the community and private property rights are severely reduced in order to serve the community ends, then the entire community rather than an unlucky few freehold property owners should bear the cost and these individual property owners should be compensated. The eco-political views of council and the continual dictatorial attitudes of passionate extremists, no matter how well meaning, have to be balanced by sensible clear thinking decision making. We are not the enemy.

...

If Council has spent three years putting this plan together is it fair to put the community last? Is their input of so little worth? Surely we, as residents, are entitled to more than three months to review the copious amounts of complex papers and maps to consider the impact, the appropriateness and the degree of intervention that is being placed upon the community. Without Council providing sufficient time to understand the implications of the plan, one can assume that public consultation has been relegated by Council to just another step in the process without any serious intent.

...

It is vital that the 'draft' Noosa Plan is revisited by council with a larger degree of sensible reasoning and that consideration be given to the freehold property rights of the community. What this community agrees to today will inevitably affect us for many years to come, so we need to get it right and not just rely on the self-serving interests of a few.

### Employment for Immigrants

**Ms STRUTHERS** (Algeria—ALP) (12.06 p.m.): Recently I attended a Sudanese cultural festival and was moved by a comment made by one of the elders. He got up in front of the 1,200-strong group and said, 'I have money in my pocket but this money comes from the government. I am a proud man. I want to work.' As I get around to many community groups, that is the common message I am hearing. Many of the migrant groups, asylum seekers and refugees who have now settled in Australia are saying to me that they are having great difficulty finding work. That is one of the things this government is working on as a priority. It is certainly one of the priorities the federal government ought to have but, sadly, it is not coming to the party. It is bringing people over here under humanitarian programs and providing support for settlement but then basically leaving people to their own devices.

Asylum seekers, refugees and migrants encounter a range of significant barriers to employment. They face many language barriers, and at times the poor attitudes of employers mean that they do not even make it to interview stage. Many have problems getting their full qualifications and experience



recognised. In a gross act of indecency, the federal government has prohibited asylum seekers from getting a paid job or having access to Medicare.

In recognising the hurdles to employment and in stark contrast to the Howard government, the Beattie government has made a determined effort to assist migrants and refugees to get work and to enable asylum seekers to access training and additional support. In the past week I had the pleasure of congratulating 17 people who had successfully participated in the Multicultural Development Association's Community Jobs Plan. Most of these people have gained jobs with their host employers. This week I am chairing a meeting of key people to tackle the entrenched unemployment issues endured by the former refugees from Sudan.

Employment is the No. 1 priority for many migrant and refugee groups, and I would like to congratulate Minister Tom Barton, his staff and departmental officers for their concerted efforts to cater for the needs of these groups. Since the Beattie government instituted the Breaking the Unemployment Cycle program in October 1998 up until 30 June this year, 6,461 people from non-English speaking backgrounds have participated in 13 different programs, including community jobs plans, work placements, private and public sector employment programs, youth experience, Back to Work and mature-age industry projects.

Community employment programs were reviewed in 2002-03 to ensure that they were meeting the needs of job seekers. The review found that the cost-effectiveness of these initiatives and post program employment outcomes compared favourably with national and international programs.

The Beattie government is funding community and public sector agencies to employ long-term unemployed migrant people and migrants at risk of long-term unemployment. We are providing literacy and numeracy assistance, skills audits, assistance with living skills, vocational training, work experience, jobsearch training and assistance in many other areas. We are increasing access to vocational education and training for people not currently participating in training by helping migrant communities identify their current and future employment needs and purchase appropriate training.

We are providing incentives to public sector agencies to employ additional migrant trainees and apprentices. I know from the stories people are telling me that this is very helpful, but we certainly need to do more. We certainly need cooperation and funding support from the federal government. Young people from non-English speaking backgrounds are also undertaking traineeships in environmental protection, horticulture and waste management. We have exceeded our targets in assisting graduates from the migrant work experience program into public sector traineeships. A longitudinal study examining the employment and training outcomes 12 months after the completion of these traineeships has produced excellent results for people from non-English speaking backgrounds, with an 86 per cent success rate.

Many migrants and refugees bring great skills, they bring great pride to their work, they bring great determination to be independent and autonomous. Because of this, they are very employable and very attractive employees. That is the message we have to get out to employers: overcome any barriers you have to employment of migrants and refugees, overcome any of those prejudices, accept that they are valuable employees with a lot of skills, and you will find that your bottom line will improve.

### **Tobacco and Other Smoking Products Act**

**Mr HOBBS** (Warrego—NPA) (12.11 p.m.): I want to advise the House of the impact on small business of the review of the Tobacco and Other Smoking Products Act that was announced before any consultation was carried out with the people most affected—that is, small business. I do not intend to argue the pros and cons of smoking per se but wish to strongly point out the impracticality of limiting the size of display cabinets in small businesses to one square metre. There is no logic to this proposal. The sale of tobacco products will still be legal yet businesses which sell these products will be severely impacted.

The proposal to have one square metre displays located on the wall behind the counter will place small business operators and staff in unsatisfactory and dangerous situations in the workplace. There are some 440 tobacco products available for sale in Queensland. The majority of businesses, with their present average display space, can display 210 products. Under the new proposal of one square metre, this will be reduced to 90 products. The 210 products were, in many instances, the more popular brands.

To reduce the display area from 3.5 metres, which is what it is currently in Queensland, to one square metre is not reasonable. The result of this change is that customers who request a product that is not in the display cabinet will necessitate the staff having to constantly turn their back on customers or, alternatively, go to the back of the shop and retrieve the appropriate product. Staff turning their backs on customers today is not recommended and would give ample opportunity for assault or shoplifting.

A further point is that no evidence has been provided to prove there is a link between a tobacco display in a corner store and the consumption of tobacco. There is none. There are some 9,500 small businesses that sell tobacco products in Queensland. A recent study has found that a 10 per cent loss in

cigarette sales within the independent sectors would result in 2,000 employees losing their jobs. In many small businesses where the present tobacco displays may only represent two per cent of shop space, those sales represent 40 per cent of turnover. We need a cost-benefit analysis before restrictions come into place.

The government did not consult with industry on these matters. Some meetings were held after the announcements were made and after the decision was made. They were given an unreasonably short time frame to respond—only days. This is an arrogant act by a government which has been in power far too long. There is a strong suggestion that the Beattie government only used this ham-fisted approach to direct the attention of the media and the public away from the power crisis in Queensland.

In the event that tobacco products are restricted, the illegal market for chop chop could increase. The Australian Taxation Office estimates losses in the vicinity of \$600 million in 2003 due to the proliferation of this product. This may not occur if legal products that the customer finds difficult to obtain can be purchased. Then they will not have to obtain them by other means. We do not have enough police now on the beat. Foolishly increasing their workload by bad legislation is bad government. It is just plain stupid.

Small business has been ignored by the Beattie government. This legislation will only play into the hands of big supermarket chains which will opt to provide special tobacconist outlets that will allow them larger displays of up to three square metres. Smoking is a social problem and will not be resolved by restrictions making the product hard to see. Small business will also have to change their checkouts, for instance. Presently you select your groceries, take them to the checkout and pay for them. If they cannot have their tobacco products close at hand, they have to move them away or change the whole design of the building or the shop. It will have a very severe impact on small business, and I believe the government should be condemned for this action.

### Federal Election; Great Barrier Reef, Oil Drilling

**Ms NELSON-CARR** (Mundingburra—ALP) (12.16 p.m.): Many Queenslanders are old enough to remember what Queensland was like in the early 1970s and can hardly fail to recall a long-running debate that ranged then over oil drilling on the Great Barrier Reef. To the Queensland government of the day, it seemed that 'Great Barrier Reef' actually meant 'great barrels of royalties' from oil. Happily, oil drilling on the Great Barrier Reef was sent to the archives along with other well-won environmental battles that stopped mining in limestone cave areas and sandmining on Fraser Island.

Most everyone knows that oil drilling on or near the Great Barrier Reef would prove disastrous. The Beattie government knows it, scientists know it, Australians at large know it and the world community seems to know it. Why, then, does the Howard government persist in keeping the prospect of oil prospecting alive instead of nailing it in the coffin where it belongs?

ABC news on 21 June this year reported that three sensitive offshore basins on the edge of the Great Barrier Reef have been listed by the federal government as a high priority for oil exploration. The report said that the Securing Australia's Energy Future policy identified the eastern, Marion and Townsville plateaus, just outside the Great Barrier Reef, as priority areas for petroleum drilling. Despite repeated denials, the stories just keep popping up and have been doing so for some time. Is the well-worn saying 'where there's smoke there's fire' applicable in this instance? I very much hope not.

On 13 October 2002 the *Sun Herald* ran a piece which said that a federal government agency had been accused of involvement in a secret move to survey oil reserves in waters alongside the Great Barrier Reef. As reported, the agency, Geoscience Australia, ordered satellite photographs of oil seeps in the Coral Sea which show the location of rich oil deposits. The agency argued that the photographs were for environmental purposes but Democrats leader Andrew Bartlett rightly said that the excuse did not stand up to scrutiny.

Over the past four years the *Townsville Bulletin* has printed claim and counterclaim about the federal government's Great Barrier Reef intentions. Other newspapers have done the same, but I am particularly aware of stories that have run in my home city, which is on the doorstep of reef territory and where such great work is being done in the field of marine science. Commenting on a proposal by Norwegian company TGS-NOPEC to conduct tests for oil in the Townsville trough, about 200 kilometres off the Queensland coast, the member for Herbert, Peter Lindsay, was quoted in the *Townsville Bulletin* on 18 August as saying, 'There should be no threat to the environment if oil exploration goes ahead near the Great Barrier Reef.' Not surprisingly, he seems to have had second thoughts because he is certainly not taking that line now. TGS-NOPEC has also backed off and appears to have abandoned its plans.

There is no question about the immense appeal of the Great Barrier Reef to tourists or about the need to protect its fish stocks and natural wonders, but a nagging fear remains. If the region contains Australia's richest offshore oil fields, as many suggest, as world oil reserves dwindle the temptation to drill may become too great for some future governments to resist. For federal Labor and Queensland Labor, however, oil exploration on or anywhere near the reef is anathema. You just cannot believe the Howard government, and it was interesting to hear two other speakers this morning saying exactly the

same thing. He lied to us about Medicare, he lied to us about the rises in health insurance premiums, he lied to us about the cost of university degrees, he lied to us about the GST, he lied to us about price rises.

**A government member** interjected.

**Ms NELSON-CARR:** He did. He lied about price increases in petrol and beer, to name just a couple; he lied about the children overboard; he lied about weapons of mass destruction. I could go on and on.

**A government member** interjected.

**Ms NELSON-CARR:** He is a lying rogue. I will take that interjection. Without the slightest doubt, the Great Barrier Reef cannot and must not ever be allowed to become the North Sea of the South Pacific.

I would like to finish my speech this morning by showing this to members: 'Truth overboard, 35 lies told by John Howard and counting'. Have a look at that little lying rodent. This is the mother of all lies. This was from John Howard on ABC Radio on 25 August 1995—

Truth is absolute. Truth is supreme. Truth is never disposable in national political life.

I rest my case.

### **Parliamentary Crime and Misconduct Committee**

**Dr FLEGG** (Moggill—Lib) (12.20 p.m.): Mr Deputy Speaker—

**A government member:** Are you going to tell the truth?

**Dr FLEGG:** I rise to speak and tell the truth about the Parliamentary Crime and Misconduct Committee. Despite the often repeated mantra of the Premier that he is running an open and accountable government, his actions show this is absolutely false when it comes to the recommendations of the Labor dominated Parliamentary Crime and Misconduct Committee. In fact, it is just a facade. The Labor dominated PCMC recommended that all government departments should publicly reveal their efforts to prevent misconduct, yet the Premier has determined that all such statements should be channelled through him. This is nothing short of censorship of the worst kind. What is the Premier frightened of? Why does he have to personally control this due process?

Let us look at an example that we had this year at the Lockhart River station, the winegate affair. The Premier took personal damage control of this due process, initially indicating that there were no breaches. He directed police in their investigations. He kept his troubled minister from facing public scrutiny. He attempted to pre-empt the CMC findings.

The DGs of the departments are charged with preventing and reporting misconduct. They are largely hand-picked by the government. Despite the assurances of the Premier of an open and accountable system, he will not even trust these senior and hand-picked people to follow due process as recommended by the PCMC, which is dominated by his own members. Furthermore, he will not trust the parliament to receive uncensored reports. The PCMC recommended that this information be made available to the parliament. The Premier will not even trust the parliament to receive uncensored reports.

Above all, the Premier will not trust the people of Queensland. The committee recommended that this information should be made publicly available. The Premier wants to censor all that information before it goes into the public domain because he cannot trust the people of Queensland to oversee issues related to misconduct unless they are first censored by himself.

From time to time we in the Liberal Party give the Premier some pretty good advice, which is quite often overlooked. But he has taken it a step further because he has had considered advice and consultative advice given to him from his own Labor dominated hardworking PCMC, and he has chosen to wipe that aside and ignore it. It is not just our advice that is being ignored; he is ignoring his own people's advice as well.

The Labor dominated PCMC includes the Labor members for Ferny Grove, Capalaba, Noosa and Redlands. They made these recommendations: that the agencies be required to report to the CMC, to the parliament and to the public as fully and openly as possible regarding their performance in these respects; that the agencies be adequately resourced to ensure they are able to fulfil their responsibilities to deal with and prevent misconduct; and that the Department of the Premier and Cabinet have the primary role in monitoring and ensuring that agencies take up CMC capacity building initiatives in a timely and responsible manner, and that there is adequate public reporting by agencies of information on misconduct prevention and so on. These Labor members should be embarrassed.

**Mr ENGLISH:** I rise to a point of order. My point of order is that the report that the member for Moggill is referring to was actually made by the previous PCMC, not the current one.

**Mr DEPUTY SPEAKER** (Mr Shine): Order! There is no point of order. The honourable member for Moggill.

**Dr FLEGG:** They are all embarrassed. They have allowed themselves to be railroaded by the Premier—

Time expired.

### **Liberal Senators in Regional Queensland**

**Mr McNAMARA** (Hervey Bay—ALP) (12.25 p.m.): At the outset I would like to take a moment to recognise the presence in the gallery of my wife, Judith, and our children, Caitlin and Brandon. I was a little bit dubious about the decision of the Leader of the House to schedule sittings in the school holidays, but I admit I am a convert because this is the first time that Caitlin and Brandon have been able to be here and watch us work, so maybe it is not such a bad idea.

**Mr Robertson** interjected.

**Mr McNAMARA:** That is right. I wanted to alert the House today to something extremely unusual that has happened in Hervey Bay recently. There were a couple of Liberal senators spotted in regional Queensland.

**Mrs Carryn Sullivan:** That's very rare.

**Mr McNAMARA:** It is extremely rare. It is probably about as welcome as a case of shingles, but nevertheless we had the good senators 'Darth' Brandis and 'Darth' Mason pass through Hervey Bay recently, the phantom menaces of the Liberal Party.

**An honourable member:** Did they have their moleskins on?

**Mr McNAMARA:** They were, of course, dressed as Tweedledum and Tweedledee, but I will not reflect on dress standards lest it come back at me.

The appearance of two Liberal senators in a quiet, National Party seat during the federal election does raise the question of what they were doing. Why were they there? What campaign function were these Liberal Party backroom operatives performing? Unfortunately the member for Moggill has just left, but he would have told members that it is akin to having a couple of vultures settle on your front doorstep to find out that 'Darth' Mason and 'Darth' Brandis had just moved into your electorate. It is not a good thing to happen. Perhaps these two Liberal Party senators thought they needed to help out the sitting National Party minister, Warren Truss. After all, he has a margin of only 9.9 per cent and, as a sitting cabinet minister, probably needs all the help he can get. It was interesting that they traipsed around the electorate without him and he did not appear to be any part of their campaign.

Perhaps looking at the issues that they raised might be a little bit more instructive. They chose to raise the issue of funding for River Heads Road as their primary campaigning opportunity while they were in the area, which is interesting on two points. Firstly, River Heads Road is a council road. Members might wonder where the good senators thought they were headed with campaigning on a council road in a National Party electorate. But perhaps more interesting is the fact that only days before Warren Truss had gone to the trouble of pointing out that River Heads Road was a council road. It was not a federal responsibility; it was not something that the federal government would be putting money into other than by way of black spot funding, which it does all over the place. Having gone to some trouble of distancing the federal government from this long-running and difficult local issue, I am sure that Warren Truss would not have been pleased to have two federal Liberal senators come to his electorate and say, 'No, no, you are wrong. It actually is a federal issue. We are very interested in it. Liberal senators care a lot about this, and we're certainly going to be making inquiries and doing what we can to find funding,' thereby making it a federal issue when Warren Truss had gone to considerable lengths to try and say it was not.

Of course, one has to put to one side the issue of the difficulties of the black spot funding and not having anything like the capacity to deal with the sort of work that is required on the road. It is perhaps a little deceptive and misleading to be suggesting that they might be able to do something with that. It has unfortunately taken some people in. There was a letter to the editor in our local paper recently from an habitual CCA mouthpiece, Lin Arrowsmith, who said he was delighted to see that the Liberal senators had made a decision to secure funding for this accident-prone road. Of course, they have done nothing of the sort. That perhaps demonstrates what it is that these people are trying to do; they are trying to get people to vote Liberal in the Senate for the sole purpose of winning the third Senate seat for the Liberals thereby tipping the balance in the National-Liberal joint party room after the election is over, in the hope that if the Howard government is returned, then the National Party will lose its right to Warren Truss's cabinet position.

Make no mistake, these two gentlemen were up there for one reason: they were thinking that their best route into cabinet is for the National Party not to get that third Senate seat and for an extra Senate seat to accrue to the Liberal Party which thereby allows one of them—'Darth' Mason or 'Darth' Brandis—to step up to the plate and offer themselves. Of course, their standard operating technique for their

entire political careers has been to work behind the scenes, stabbing their political friends in the back. Nothing has changed.

**Mr SPEAKER:** The time for matters of public interest has expired.

## **TAB QUEENSLAND LIMITED PRIVATISATION LEGISLATION AMENDMENT BILL**

### **First Reading**

**Hon. P.D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (12.30 p.m.): I present a bill for an act to amend the TAB Queensland Limited Privatisation Act 1999 and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### **Second Reading**

**Hon. P.D. BEATTIE** (Brisbane Central—ALP) (Premier and Minister for Trade) (12.31 p.m.): I move—

That the bill be now read a second time.

This bill is required principally to address technical consequences to certain Queensland gaming laws as a result of UNiTAB Limited—UNiTAB—recently withdrawing from a proposed friendly merger with its New South Wales counterpart, TAB Limited—TAB. In order to understand the technical nature of the bill, an understanding of some of the history of that proposed merger, including the Queensland parliament's earlier support for such, is required.

Last year parliament passed the TAB Queensland Limited Privatisation Amendment Act 2003, the amendment act which received royal assent on 6 November 2003. The amendment act was structured to commence upon proclamation which was intended to occur prior to 31 August 2004. The objective of the amendment act was to enable the proposed merger of TAB and UNiTAB subject to shareholder approval. Specifically, that act contained amendments to preserve the operation of part 3, restrictions relating to shareholding of the TAB Queensland Limited Privatisation Act 1999, the principal act, subject to amendments as contained in the amendment act, and additional matters to be incorporated in the merged and related entities' constitutions requiring a minimum number of directors and certain executive managers to ordinarily reside in Queensland and the requirement to hold annual general meetings and a limited number of board meetings and strategic board planning meetings in Queensland—all of which, I am happy to say, I negotiated. It is a shame to see this happening.

A subsequent hostile takeover offer by TABCORP of TAB resulted in UNiTAB withdrawing from the proposed merger. As a result of UNiTAB's withdrawal from the merger as originally proposed by the parties and agreed to by the state, it is no longer appropriate or meaningful to activate most of the substantive provisions of the amendment act. In part, this is because the agreement between TAB and UNiTAB which was supported by the state, as reflected by the terms of the amendment act, is at an end.

This, of course, is commercial reality and the nature of a rapidly changing, and healthy, commercial environment. Consequently, the bill operates to return to the original objectives of the principal act subject to there being suitable reasons for the retention of the amendment act or parts of the amendment act.

Relevantly, there is no reason to retain those provisions of the amendment act that would operate to amend part 3 of the principal act. In fact, as part 3 of the principal act expired on 31 August 2004, it is necessary to remove those provisions of the amendment act that were intended to amend that part of the principal act. Part 4 of the bill deals with this through the repeal of the amendment act. Further, such repeal or amendment should be completed prior to 5 November 2004 in order to avoid its deemed commencement on 6 November 2004 via the operation of section 15DA of the Acts Interpretation Act 1954. In addition, as section 44 of the principal act is considered to be unclear in its meaning, it was concluded that section 8 of the amendment act, or a provision similar in effect to section 8, should be retained.

Further, during consultation with UNiTAB on this issue, UNiTAB sought the retention of section 8 but in a form which restricted its application to those entities holding Queensland wagering and gaming licences. Specifically, part 2 of the bill includes replacement provisions which operate to mirror the effect of section 8 of the amendment act but restricts its application to a TABQ group company which is a licensed monitoring operator under the Gaming Machine Act 1991, holds a wagering licence or is a wagering manager under the Wagering Act 1998.

Additionally, the replacement provisions operate to oblige relevant TABQ group companies to include in their constitutions the requirement that only the chief executive officer is to be ordinarily resident in Queensland. Other provisions of the bill are summarised as follows: section 2(1) of the bill

operates to commence part 2 of the bill other than section 5(2) on 5 November 2004; section 2(2) of the bill operates to delay the commencement of section 5(2) until 1 January 2005. This provision ensures that the obligation on relevant UNiTAB entities to hold a minimum number of company board meetings or annual strategic board planning meetings is applied from the first full calendar year after the commencement of the bill. The repeal of the Gambling Legislation Amendment Act 2004 provisions in part 3, and the inclusion of provisions which have the same effect in part 2 of this bill, facilitate a more efficient amendment process. The result is that all amendments to realign the TAB Queensland Limited Privatisation Act 1999 are now contained in the one place, namely this bill.

Clearly this promotes ease of understanding and efficient commencement of the provisions. This bill is another example of this government's commitment to supporting Queensland businesses and complements the government's dedication to sound economic development across the state. It also demonstrates the government's acumen in a rapidly changing economic environment and our continuing resolve to support growing businesses, like UNiTAB, to ensure they maintain a strong connection with Queensland. I want to wish UNiTAB all the best in its future. I am obviously presenting this bill as Acting Treasurer, and I commend the bill to the House.

Debate, on motion of Mr Hobbs, adjourned.

## **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL**

### **First Reading**

**Hon. A.M. BLIGH** (South Brisbane—ALP) (Minister for Education and the Arts) (12.36 p.m.): I present a bill for an act to make various amendments of Queensland statute law. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### **Second Reading**

**Hon. A.M. BLIGH** (South Brisbane—ALP) (Minister for Education and the Arts) (12.37 p.m.): I move—

That the bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2004 is essentially an omnibus bill that makes amendments to 51 acts where the amendments are concise, of a minor nature and non-controversial. The amendments have arisen through changes to legislative drafting practice, updating cross-references, providing greater clarity, correcting minor errors and other minor amendments.

The bill is designed to enable legislation to be corrected and updated in circumstances where the preparation of a separate bill is not justified. This allows for the timely and efficient operation of the parliament by amending a large number of acts via one bill. It also provides for quality up-to-date legislation that is consistent across the statute book.

Honourable members may note that the explanatory notes to the bill are contained within the bill itself, unlike the usual practice of providing a separate document. This is for ease of reference, as there are a broad range of acts being amended across a range of portfolios. It also reiterates the minor nature of the proposed amendments in that most amendments can be explained through a sentence. I commend the bill to the House.

Debate, on motion of Mr Hobbs, adjourned.

## **JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

### **First Reading**

**Hon. A.M. BLIGH** (South Brisbane—ALP) (Minister for Education and the Arts) (12.38 p.m.): I present a bill for an act to amend legislation administered by the Attorney-General, and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### **Second Reading**

**Hon. A.M. BLIGH** (South Brisbane—ALP) (Minister for Education and the Arts) (12.38 p.m.): I move—

That the bill be now read a second time.

This bill contains minor or technical amendments to a number of statutes to correct errors, omit obsolete references and improve operational efficiency. This bill makes changes to 39 acts within the portfolio of Justice and Attorney-General, one act within the portfolio of the honourable the Minister for Police and Corrective Services and one act within the portfolio of the honourable the Minister for Transport and Main Roads. There are amendments to the Children's Services Tribunal Act 2000, the Land and Resources Tribunal Act 1999, the Drug Rehabilitation (Court Diversion) Act 2000 and the Jury Act 1995, to name just a few.

Today I will outline some of the more significant amendments contained in this bill. Amendments to the Criminal Proceeds Confiscation Act 2002 highlight this government's ongoing tough approach to serious criminal activity. These important changes will prevent offenders from profiting from crime by selling their stories to the media. Law enforcement agencies will be given the power to restrain property that has been obtained by the depiction of an offence in the media. In a time when we are seeing increasing levels of chequebook journalism in the commercial media, it is important to have legislation that prevents criminals from striking it rich by committing a crime and then selling their story to the press.

This bill also includes amendments to the Births, Deaths and Marriages Registration Act 2003. Under the changes, the Births, Deaths and Marriages Registrar will have the authority to reject changing a child's name to a prohibited name. Prohibited names include those that are obscene or offensive, could not be practically established or that resemble an official title. The bill will also ensure that people who have changed their names in other states or by some other legal process can register their new name in Queensland. The act will also amend the time restrictions for name changes. People will be able to legally change their names only once a year in Australia. This change will prevent people forum shopping between states to change their name on a more regular basis.

This government has ensured indigenous people have their voices heard in Queensland's justice system. Changes to the Bail Act 1980 will take this a step further by formally acknowledging the role of indigenous community justice groups in the bail process. The court will now be required to take into account the views of the local community in the decision of whether or not to release a person back into that community. This government is thankful for the work done by community justice groups and believes that their contribution is of great assistance to the court in understanding cultural and community issues relevant to a matter.

Amendments to the volunteer protection provisions in the Civil Liability Act 2003 will allow people and organisations who donate food to the homeless and disadvantaged to be protected from civil liability actions. Our community relies on the generosity of these volunteers and this amendment will encourage people to continue to provide food donations to these worthwhile causes.

Jurors play an essential role in our justice system, but sometimes performing this civic duty can be distressing. The government recently provided a significant increase in the fees paid to jurors. We also announced that we would make available a counselling service to assist jurors who need support once a trial ends. The Jury Act 1995 will be amended to allow the establishment of this jurors' counselling scheme. The amendment will give jurors the ability to legally disclose jury communications to a health professional in the course of receiving counselling following a trial.

I would like to turn to important changes to the Supreme Court Act 1995 dealing with wrongful death claims of surviving spouses and children. Until very recently, in assessing the damages a spouse was entitled to for a wrongful death claim, the courts would take into account whether there was a likelihood the spouse—almost always a woman—would remarry. Courts would look at the spouse's attractiveness, age and demeanour to determine the probability of remarriage and then discount the damages of the spouse accordingly. In late 2002 the High Court overturned this outdated precedent in the decision of *De Sales v. Ingrilli*, clearly stating that the remarriage discount no longer applied in Australia. The amendments in this bill make it clear that Queensland courts may not take these matters into account when deciding damages in actions for wrongful death. The amendments also extend to children, preventing the court from reducing the amount of damages to be paid on the probability that a child's surviving parent would be likely to remarry or repartner. This bill fully implements the recommendations of the Queensland Law Reform Commission's report *Damages in an action for wrongful death*.

Technical and minor changes to the Guardianship and Administration Act 2000 will reduce difficulties experienced by adults with impaired decision-making capacity, their carers and decision makers in accessing bank accounts and financial information. The amendments will allow administrators and attorneys of an adult with impaired decision-making capacity to access the adult's bank and other financial accounts, if they are authorised to deal with the financial matters of that person.

Other minor and technical amendments are made to other legislation in the schedule. I commend the bill to the House.

Debate, on motion of Mr Hobbs, adjourned.

## RACING AMENDMENT BILL

### First Reading

**Hon. R.E. SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (12.44 p.m.): I present a bill for an act to amend the Racing Act 2002. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. R.E. SCHWARTEN** (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (12.44 p.m.): I move—

That the bill be now read a second time.

The Queensland thoroughbred racing industry has undergone significant reform in recent years instigated by the Queensland Thoroughbred Racing Board. This reform has been successful in increasing Queensland thoroughbred racing TAB wagering with turnover growing at the highest rate of any state in the country and creating most of the growth in industry revenue. This has led to a commensurate growth in confidence and investment in the Queensland thoroughbred racing industry.

While the industry has seen substantial gains, participants in non-TAB races—that is, races on which UNiTAB does not offer offcourse wagering—have expressed concerns that they have not been able to influence the direction of the reforms or share in the results.

As members may recall, as part of this government's commitment to ensuring input from regional areas into the governance of the racing industry, the Racing Act 2002 established five regional racing associations. Those racing associations consist of members elected by clubs in the regions and persons elected by licensed trainers, jockeys and bookmakers. The chair or another member of each racing association, who must be the representative of a non-TAB club, represents the association on the Queensland Regional Racing Council. The Queensland Regional Racing Council has responsibility to provide recommendations to the board of Queensland Racing in regard to country racing.

However, non-TAB clubs still feel that this structure did not give them enough influence in the decision-making process. This bill addresses the concerns of the non-TAB race clubs and participants in regional and country Queensland. Specifically, it will ensure that all non-TAB race clubs are able to advocate on country racing issues without having to compete with TAB club interests. The key reforms proposed are—

- (1) That the existing racing associations will be abolished and replaced by eight smaller regionally based country racing associations that better reflect communities of interest in regional Queensland;
- (2) That the existing five-member Queensland Regional Racing Council will be replaced by a nine-person Queensland Country Racing Committee consisting of one delegate from each of the eight country racing associations and a chair who will be one of the existing thoroughbred racing board but not the chair of that board;
- (3) That the country racing associations will be comprised of only non-TAB race clubs and licensee representatives. This means TAB clubs will not be members or be represented on the country racing associations;
- (4) That the board will be required to allocate country race dates from which the committee will decide appropriate dates which must not detract from the TAB race dates, the formula for which must be agreed to by both the board and the committee; and
- (5) Most importantly, that the QTRB will be required to allocate at least seven per cent of its share of the net UNiTAB product fee received under the existing product and program management agreement to the committee as prize money for race meetings conducted by non-TAB clubs.

The bill vests the committee with as much autonomy—and I stress this—and responsibility for its own affairs as allowed under the Australian Rules of Racing. In respect of both the allocation of race dates and the allocation of prize money, it is proposed that—

- Queensland Racing will advise the committee of the amount of allocation of prize money and of the number of race dates for non-TAB clubs for the racing calendar year.
- From the information received from Queensland Racing, the committee will be required to recommend to Queensland Racing the specific allocation to non-TAB clubs.
- Following agreement on specific allocations—in the event of non-agreement on any specific, then following a direction by Queensland Racing—allocations become fixed and may only be changed—



- i. by approval between Queensland Racing and the committee or
- ii. by Queensland Racing in circumstances where—
  - there is workplace health and safety issues;
  - there is non-compliance with the QTRB country racing policy;
  - there is a depletion of revenue available for prize money; or
  - there is inclement weather or a force majeure situation.
- Both Queensland Racing and the committee must advise and publish reasons for their recommendations and decisions in the racing calendar.

To give non-TAB clubs more security, for the first time this bill will require the Queensland Thoroughbred Racing Board to give a percentage of its product fee to non-TAB country racing clubs. Queensland Racing's revenue is derived from a commercial and legally binding agreement with UNiTAB under which it receives 39 per cent of gross wagering revenue. It is proposed that Queensland Racing will be required to allocate at least seven per cent of its share of this product fee as prize money for race meetings conducted by non-TAB clubs. Based on the amount of the product fee that has been forecast by Queensland Racing for the current financial year, if the non-TAB clubs run their full program for the year, the seven per cent of Queensland Racing's share of the net UNiTAB product fee will equate to approximately \$6 million. This is probably by far the highest in Australia.

Queensland Racing advises that the gross prize money for non-TAB races run in other states is much lower. For example, in Victoria it is \$924,000. In New South Wales it is \$3.92 million and in South Australia it is around \$271,000. Again, Queensland leads the way in prize money in country racing. If the entire amount that constitutes seven per cent of Queensland Racing's share of the net UNiTAB product fee is not used as prize money for race meetings conducted by non-TAB clubs in any one year, the balance must be used as agreed between Queensland Racing and the committee to support non-TAB racing.

This reform package proves this government's commitment to supporting country racing in Queensland. This bill gives country racing a stronger role in its own destiny by legislating not only for prize money but also for the way in which the board and the committee must do business. While the package of reforms will give country racing a greater say, it will place the onus on country racing organisations to take responsibility for the future of the industry. The simple fact is that we will provide legislative strength to country racing and give it more self-determination than it has ever had, including a guaranteed share of TAB funds which will not impact on the other codes of harness and greyhound racing, but this will only work if delegates throw away self-interest in the interests of the whole of country racing. Finally, I want to thank the member for Bulimba, Pat Purcell, the parliamentary secretary to the Minister for Public Works, Housing and Racing, for his hard work in travelling this state and providing the feedback to inform this legislation. I commend this bill to the House.

Debate, on motion of Mr Hopper, adjourned.

## SUMMARY OFFENCES BILL

### First Reading

**Hon. J.C. SPENCE** (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (12.53 p.m.): I present a bill for an act to define particular offences that may be dealt with in a summary way, and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. J.C. SPENCE** (Mount Gravatt—ALP) (Minister for Police and Corrective Services) (12.54 p.m.): I move—

That the bill be now read a second time.

I introduce a bill into this House today that significantly reforms the law with respect to community safety and public order. It is a bill that is designed to enhance the safety of each and every member of the Queensland community. It will allow our police officers to take immediate action to intervene and prevent serious criminal offences being committed against any of us in our houses or our businesses. It provides protection from public nuisance offences to members of the community who have a legitimate right to enjoy the use of public places. It offers protection to children from physical maiming caused by tattooing and genital and nipple piercing and it protects vulnerable members of our community from the likes of scammers and fraudsters who would prey upon them.

From a personal perspective—as a member of parliament and more recently as Minister for Police—I have received representations from members of the Queensland community regarding the need for positive changes to the law to protect law-abiding members of our community. The Summary Offences Bill is yet another major initiative of the Beattie government that reflects the commitment of this government to make Queensland the Smart State and the safe state. In introducing a modern and effective bill, the government is also repealing an antiquated act that is largely insignificant in terms of modern community standards. I refer to the Vagrants Gaming and Other Offences Act 1931, which is a Queensland act based on obsolete English legislation dating from the 1700s. All members of this House would agree that there is no longer a place in Queensland legislation for an act that has the potential to destroy a person's otherwise good reputation by declaring the person to be a vagrant for what can only be described as ridiculous offences. The term 'vagrant' is archaic and should have been put to rest with the convict era or, at best, the horse and carriage era.

Moreover, I am certain that it is offensive to each member of this House that a person can still be declared a vagrant because they are—

- unemployed and have little or no money in their bank account yet are too proud to apply for unemployment benefits;
- walking outside their home wearing slippers or carrying a box of matches; or
- professing to tell a fortune at a flea market to the general amusement of a member of the public.

This government will once and for all rid Queensland of this antiquity and replace it with a modern act that best addresses the needs of a modern community.

As I have indicated, this bill addresses a number of offences that are criminal in nature. It provides for offences that are pre-emptive to the more serious offences under the Criminal Code. Thus, action can be taken by a police officer at a stage prior to offences such as burglary or unlawful use of a motor vehicle occurring. Pre-emptive offences of the type included in this bill are intended to ensure Queensland continues to be the safe state. Our police officers have been given the power by recent parliaments to take action for any offence against the statute law of Queensland. Parliament granted those powers by virtue of the Police Powers and Responsibilities Act 2000 and each member of this parliament would support those powers. We need to pass those offences contained in the Summary Offences Bill so that our police can take action under a modern and reasonable law. I will not address each clause of the bill today. Instead, I will focus on some positive initiatives contained within it.

#### Possession of implement in relation to particular offences

No-one should have to live with the thought that their home might be broken into by thieves or their car stolen from a car park while they shop. Of more importance, no-one should have to fear being physically attacked. Consequently, clause 15 of the bill creates an offence for a person to possess an implement that has been, is being or is to be used for burglary of a home or business premises, the unlawful entry of a motor vehicle with intent to steal it or property from it, or the assault of a person or damage to property. Specifically, the clause will apply to a person possessing lock picks, an electronic car door lock scanner or a jemmy in other than easily explainable circumstances—for example, a locksmith, carpenter or a person undertaking home renovations. Clearly, a person holding a scanner while standing near a vehicle parked in a car park will raise suspicion that the person intends to break into the vehicle.

Equally, a person who carries an iron bar beside the driver's seat of his or her vehicle with the intent that it be used to assault another driver who may annoy the person will be guilty of an offence. The clause will also apply to a member of a gang who carries a weapon for the purposes of using it to assault other persons and to potential domestic violence or neighbourhood disputes. However, it will not prevent a person having possession of an implement within their own home for the purposes of self-defence during a break-in. This pre-emptive clause is yet another clear statement that this government is not prepared to tolerate crime and is providing our police with the necessary tools to prevent that crime. It is focused on Queensland being the safe state.

#### Trespass

The government intends to make the law clear so that a person who unlawfully trespasses onto the yard of another person's home will be guilty of an offence. The protection of people in their homes is a priority of this government and those who transgress the law with an unlawful intent can expect no leniency. They will answer to the courts. The bill is designed to allow a police officer to take pre-emptive action under the Police Powers and Responsibilities Act 2000 or the common law to prevent, for example, a burglary, rape, or an assault of an occupant of a home. There is no doubt that a person who unlawfully enters the yard of a home owner or a business owner is guilty of an offence. Moreover, a person who remains on a yard after their licence is removed will also be breaking the law. Therefore, I say to those who enter the yard of a person's home or business premises after hours with criminal intent or without a common law licence: be warned. You will be prosecuted.

### Use of vehicles

Clause 26 complements section 408A of the Criminal Code by allowing less serious offences of unlawful use of a vehicle to be dealt with in a Magistrates Court rather than having to be heard in the District Court. As such, lengthy committal proceedings in the Magistrates Court followed by unnecessary trials in the District Court will be avoided. A benefit of this provision is that police will not be burdened with preparing the onerous additional paperwork involved in a District Court trial and have more time for proactive and investigative policing.

### Unlawful possession of suspected stolen property

Clause 16 creates an offence for a person to unlawfully possess a thing that is reasonably suspected of having been stolen or unlawfully obtained. This clause is complementary to the more serious offences of stealing and receiving contained in the Criminal Code and may be used in instances where the lawful owner of property cannot be located, but the circumstances in which a person has possession of property can only lead to the conclusion that it has been stolen or unlawfully obtained.

In the interests of the lunch hour, I seek leave to have the rest of my second reading speech incorporated in *Hansard*.

### Leave granted.

### Unlawfully entering farming land, etc.

Clause 13(1) creates an offence for a person to unlawfully enter or remain on land used for agricultural or horticultural purposes or for grazing or animal husbandry. The provision will apply, for example, where a person, without lawful permission, enters or remains on land for the purposes of shooting or camping on that land. A person who enters onto grazing land with innocent intent and by mistake because the land borders a highway and is not fenced would not commit an offence. Subsection (2) creates an offence of unlawfully opening and leaving open a gate, fence or other barrier enclosing land used for agricultural or horticultural purposes or for grazing or animal husbandry.

### Particular body piercing of minor prohibited

Clause 19 creates an offence for a person, who in conducting a business transaction, performs body piercing on any part of the external genitalia, or nipples, of a male or female child. The penalty is increased if the child is intellectually impaired or their decision-making capacity has been reduced due to the consumption of alcohol or a drug.

Clause 20 creates an offence for anyone to perform any form of tattooing on a minor. For the purpose of this section, "tattooing" means any process by which a person's skin is penetrated and coloured pigments inserted to create a permanent mark, pattern or design on the skin. Also included, is any process that creates a semipermanent mark on the skin of a minor, which includes the processes of cosmetic tattooing and applying semipermanent make-up.

## PROTECTING THE VULNERABLE

### Imposition

Clause 23 creates an offence for a person to, by any false or fraudulent representation either orally or in writing or by means of dress, apparel or otherwise, fraudulently seeks to obtain money or other benefit or advantage. The clause will apply to people obtaining money from others, particularly the elderly, by false representations, such as fraudulently representing themselves to be collecting money for a bona fide organisation. The provision will deal with not only these types of misrepresentations, but will also extend to a person obtaining an advantage by an imposition, for example, obtaining employment as a university lecturer by purporting to have a qualification the person does not.

### Sale of potentially harmful things

Clause 24 prohibits the sale or supply of a potentially harmful thing to another person if the seller knows or believes, on reasonable grounds that the other person intends to ingest or inhale the thing or intends to sell or supply the thing to another person for inhalation or ingestion. For the purposes of interpreting this section, a shopkeeper who, for instance, keeps containers of refrigerated methylated spirits without a legitimate need to do so, may be taken as knowing that the methylated spirits is intended for ingestion by a person. Therefore, to sell that methylated spirits to a person may constitute an offence under this provision. The section does not apply to things that are intended by the manufacturer to be ingested or inhaled, for example medications or tobacco products.

## PUBLIC ORDER OFFENCES

The objective of the public order offences in this Bill is to ensure that members of the public should be able to lawfully use and pass through public places without interference from the unlawful acts of nuisance committed by other people.

### Public nuisance

Clause 6 has been transferred from the Vagrants Gaming and Other Offences Act. Members will recall that Parliament passed this provision last year as a means of ensuring that a person lawfully enjoying the facilities of a public place is not interfered with by the unlawful activities of another.

### Begging

Clause 8 is intended to deter the practice of people in public places begging for money, goods or soliciting donations. Additionally, it applies to causing, procuring or encouraging a child to do the same. People who loiter in public places in order to beg money or goods, such as cigarettes, from passers-by often choose 'soft' targets such as women or elderly persons who are more likely to be intimidated and acquiesce. This type of conduct is unacceptable. Conversely, it is recognised that charities rely on funds collected from the general public and they should continue to be allowed to do so, provided the requisite permit has been obtained by a charity registered under the Collections Act 1966. Similarly, people who have been authorised by a local government to busk in a public place are also to be exempt.

### Wilful exposure

Clause 9 creates a clear differentiation between situations where a person wilfully exposes himself or herself for the purpose of urination and attempts to find a place out of public view for that purpose, as opposed to those people who expose themselves for shock value or for sexual gratification. It is intended that the smaller fine portion of the offence will apply where a person intends to urinate out of public view but through circumstances at the time is viewed by a member of the public. The circumstance of aggravation will apply where a person commits the offence so as to offend or embarrass another person. Instances of this nature

would include a person who urinates in the full view of members of the public, for example, against a building in the Queen Street Mall, or a person who exposes himself or herself to a member of the public for the purposes of shocking that member of the public or for the purposes of sexual gratification.

Being drunk in a public place

Clause 10 creates the offence of being drunk in a public place. This clause replaces section 164 of the Liquor Act 1992. It is necessary to maintain this offence to protect members of the community from the drunken behaviour of others. However, I draw Member's attention to section 210 of the Police Powers and Responsibilities Act 2000 which allows a police officer to release a drunken person from custody in instances where that person can be diverted to place of safety.

Safeguards

Amendments to the Police Powers and Responsibilities Act 2000 will include the insertion of a new section 391A (Safeguards for declared offences under Summary Offences Act 2004). This provision outlines the steps that a police officer, who reasonably suspects a person has committed a declared offence, must take before charging a person with that declared offence. The police officer must give the person the opportunity to explain—

- if the offence involves the person's presence at a place (clause 11)—why the person was at the relevant place; or
- if the offence involves entering a place (clauses 12 or 13(1))—why the person entered the relevant place; or
- if the offence involves doing something that is an offence against clause 14 —why the person did the relevant thing; or
- if the offence involves possession of a graffiti instrument or an implement (clauses 15, 16 or 18)—why the person was in possession of the graffiti instrument or implement at the relevant time; or
- if the offence involves control or possession of a thing that is reasonably suspected of having been stolen or unlawfully obtained (clause 17)—how the person came to have control or possession of the thing.

Should the person—

- fail to give an explanation; or
- give an explanation the police officer is not satisfied is a reasonable explanation, e.g. stating that a thing was purchased at a pub from an unknown person; or
- behave in a manner that an opportunity cannot be given for the person to give an explanation, e.g., the person runs when confronted by the police officer,

the police officer is entitled to start a proceeding against a person for the declared offence.

Mr Speaker, the Government has consulted widely and over a considerable period of time on the contents of this Bill to ensure that it is in the best interests of every member of the community.

From the Judiciary, including members of the Supreme Court, the District Court and the Magistrates' Court, to those who deliver legal services in our society and interest groups, I would like to thank and acknowledge all those people and organisations who have provided their input, research and submissions.

This Government is committed to the continual update and reform of our laws and legislation to keep in touch with the changing aspects of our society.

The reform to these summary offences, updates not just the language of the Bill, but by removing those outdated provisions provides for an overhaul of legislation that has long since passed into irrelevance.

In its place, we have legislation that finally takes our summary offences law out of the 19th century and brings the Smart State's laws into the 21st Century. I commend the Bill to the House.

Debate, on motion of Mr Johnson, adjourned.

Sitting suspended from 1.00 p.m. to 2.00 p.m.

## CHILD SAFETY LEGISLATION AMENDMENT BILL (NO. 2)

### First Reading

**Hon. M.F. REYNOLDS** (Townsville—ALP) (Minister for Child Safety) (2.00 p.m.): I present a bill for an act to amend particular acts to increase child safety, and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. M.F. REYNOLDS** (Townsville—ALP) (Minister for Child Safety) (2.00 p.m.): I move—

That the bill be now read a second time.

This bill represents the second stage of the legislative reform program for implementing the recommendations of the Crime and Misconduct Commission's report *Protecting children: An inquiry into the abuse of children in foster care*. The government immediately committed to implementing all 110 CMC recommendations. The blueprint for implementing the recommendations was developed by Peter Forster and handed to the government on 22 March 2004. The blueprint recommended that the legislative reforms be introduced in three stages.

The first stage of the reforms, the Child Safety Legislation Amendment Act 2004, was introduced in May this year and passed by this parliament in June. This act established the functions and powers of

the Child Guardian in the Commission for Children and Young People and Child Guardian Act 2000. It also established requirements for the review of the deaths of children known to the Department of Child Safety and enabled the department to respond to notifications made prior to the birth of a child about risk of harm to the child after birth.

I am pleased to state that all provisions of this act have commenced and been operationalised. Approximately 150 additional community visitors have been engaged by the Commission for Children and Young People and Child Guardian and have commenced visiting children and young people in care. The Child Death Case Review Committee is currently being established in the commission and the commission has commenced monitoring the Department of Child Safety and licensed care services. Another very pleasing matter is that child safety directors have also been appointed in all relevant departments.

This last six months have been extremely busy, challenging and also rewarding. The new child focused Department of Child Safety formally commenced operation just last week on 20 September 2004. A major recruitment drive for the additional 318 professional and para-professional positions within the department promised for 2004-05 is well advanced and foster carer allowances have been increased from 1 July as well.

Recently, I announced total funds of \$12.8 million allocated for 134 new and enhanced alternative care places for children and young people with complex needs. The \$12.8 million represents the major portion of the \$13.2 million advertised after the government responded to the Forster blueprint.

The trial of the new SCAN system model has commenced in Logan and Townsville with a statewide rollout planned for early next year. This second stage of the legislative reforms focuses on improving assessment and planning for children in need of protection.

The Child Safety Legislation Amendment Bill (No. 2) 2004 will insert a new part in the Child Protection Act 1999 relating to the Department of Child Safety's duty to undertake case planning. The Department of Child Safety will now be required to develop and review case plans for children who are in need of protection and who require the department's support.

The CMC made a number of recommendations about the need to provide and enable children and their families to participate in planning and decision making and highlighted the need for quality and consistency in case planning practice. The bill before us today responds to the CMC in a number of important ways. First, by requiring the Department of Child Safety to involve children, parents, members of a child's extended family and agencies, such as a recognised Aboriginal and Torres Strait Islander agency, in the development and review of case plans. When developing case plans, the bill provides for family group meetings to be a key vehicle for involving such people. The role of family group meetings is to consider a child's protection and care needs and to propose an agreed plan for responding to these needs. Provision for these meetings is consistent with contemporary best practice approaches in child protection and with models in other jurisdictions within Australia and in other countries, such as the United Kingdom, the United States and New Zealand.

Secondly, the bill provides that case planning for children involves the steps of both developing and reviewing case plans. Regular reviews of case plans are an important mechanism for ensuring that the Department of Child Safety is providing well-planned and progressive responses to children in need of protection. While the frequency and extent of reviews will be decided by reference to factors such as a child's age and circumstances and the nature of arrangements in place for a child, in every case, however, a review must occur at least once every six months.

Thirdly, the bill requires that priority be given in the case planning process to children's needs for long-term stable care and continuity of relationships. This is an important component of work with children and families and central to effective case planning. Its importance is emphasised in the bill by a provision requiring the chief executive of the Department of Child Safety to report in certain circumstances on the progress of planning for alternative arrangements for a child's long-term care, where there is a real risk that a child's long-term care needs may not be able to be met by the return of the child to a parent.

The CMC argued for greater transparency and accountability in planning and decision making by the Department of Child Safety. In the case planning provisions of the bill, this is achieved by requirements for the chief executive of the Department of Child Safety to prepare and provide children and their families and relevant other persons with information about the case planning process and with copies of case plans and revised case plans. The bill also requires the Children's Court to be satisfied that a suitable case plan has been developed for a child before making a Child Protection Order for that child. This gives effect to a specific recommendation of the CMC and will significantly enhance the Department of Child Safety's accountability for case planning.

The bill includes provisions that enhance the capacity to listen to the opinions of children and young people in care in relation to aspects of certain decisions that affect them. During the development of the bill, the Create Foundation Queensland, which advocates for children and young people in care in Queensland, conducted a consultation with children and young people about how information about

their lives should be shared with others and at what stage children and young people should have control over the sharing of information. During this consultation, children and young people were asked how they see their right for information to be kept private, balanced against the responsibility of the Department of Child Safety and carers to provide them with quality care.

The bill incorporates a number of the recommendations from this report, including that—

- where possible, children should have the opportunity to meet the proposed carer and members of the carer's household prior to placement;
- when deciding what information to give the carer, the chief executive must consider the length of time of the proposed placement and the child's right to privacy under the charter of rights for children in care, as well as the child's views; and
- children should be told about what information was given to the carer and why it was given.

Section 7(M) of the Child Protection Act 1999 provides that one of the chief executive's functions is to ensure access by children in licensed residential facilities to advocacy services and to cooperate with the service to help ensure that the children's concerns are dealt with. It is proposed to amend this provision so that it will extend to children who are in the custody or guardianship of the chief executive and to any child who, under an agreement entered into with a parent of the child, has been placed in the care of someone other than a parent of the child. This reflects the amendments made to the Commission for Children and Young People Act 2000 in stage 1, to extend the Community Visitor Program to other children in alternative care.

The bill will also establish a new chapter in the Child Protection Act 1999 to promote and protect the sharing of information relevant to children's protection and care and the coordination of service delivery to children and families by agencies.

Numerous reports, both in Australia and overseas, have identified the failure of agencies working with children and families to share relevant information with other agencies in a timely way and the lack of coordinated and integrated service delivery as a major contributing factor to the death of children who have been abused or neglected.

The provisions of this bill emphasise the importance of ensuring that those agencies with responsibility for protecting children have all the information they need to do so. Key government and non-government agencies, described in the bill as 'prescribed entities', will be required to provide information to the Department of Child Safety if requested. The bill also protects from liability those people who give information about a child's protection and care needs to the Department of Child Safety or other prescribed entities.

The bill requires the chief executive to establish ways for coordinating service delivery to children and their families and, in particular, to establish the suspected child abuse and neglect (or SCAN) system. The SCAN system has been operating in Queensland since the 1980s and is the main means by which key agencies coordinate the assessment of and responses to children's protective needs.

The CMC report identified a number of key issues in relation to the operation of SCAN teams in Queensland, including—

- the variability in the quality of operations and decision making by SCAN teams across the state;
- a lack of monitoring and performance measurement;
- the lack of coordination and administrative support; and
- tensions between the various agencies and disciplinary background of staff participating in the SCAN teams.

The blueprint proposed a more robust SCAN team framework, which was developed by an interdepartmental working group, including as core members representatives from the Department of Child Safety, Queensland Health, the Department of Education and the Arts and the Queensland Police Service.

With the additional resourcing provided by the government, the proposed new SCAN team model will result in an enhanced SCAN team system in terms of standardisation of operation, quality decision making and case management and improved accountability. The new model is currently being piloted in two locations. The evaluation of the pilot will inform the statewide implementation of the new SCAN system in the first half of 2005. The bill establishes the legislative framework for the operation of the SCAN system as recommended by the CMC.

Amendments to the Child Protection Act 1999 and the Coroners Act 2003 contained in this bill strengthen communication processes for coronial investigations into the death of a child in care. It will enable the Department of Child Safety to provide information about children who have died to the state coroner and police assisting the coroner in an investigation. This information will identify for the coroner whether the child or a sibling of a child was a child in care and how the department became aware of harm or risk of harm to the child or a sibling. This information is vital. The amendments will assist in avoiding tragic situations such as those that occurred with baby Kate.

The bill extends the scope of the Commissioner for Children and Young People and Child Guardian monitoring functions and powers. During the stage 1 process it was agreed that in stage 2 the monitoring powers of the Child Guardian would be extended to other relevant government agencies that deliver services to children in the child safety system.

The bill amends part 2A of the Commission for Children and Young People and Child Guardian Act 2000 to include the following government agencies within the scope of the Child Guardian monitoring powers—

- the Queensland Police Service;
- Queensland Health; and
- the departments of Education and the Arts, Communities, Disability Services, Housing, Aboriginal and Torres Strait Islander Policy, Corrective Services and Justice and Attorney-General, including the Director of Public Prosecutions, Legal Aid Queensland and the Office of the Public Trustee.

Due to the extension of the monitoring powers to these other agencies, the commissioner's monitoring functions have been categorised into three areas—

- to monitor, audit and review the systems, policies and practices that affect children in the child safety system of all the relevant service providers;
- to monitor, audit and review the handling of cases of children in the child safety system by the Department of Child Safety and licensed care services; and
- to monitor compliance with the Chief Executive Officer (Child Safety) with section 83 of the Child Protection Act 1999 (provisions for placing Aboriginal and Torres Strait Islander children in care).

The commissioner will have the following powers to monitor the extended range of relevant government agencies—

- agencies will be required to regularly report to the commissioner on their systems, policies and practices affecting children in the child safety system, in accordance with a regulation (to be developed);
- agencies will be required, at the request of the commissioner, to conduct a review of systems, policies and practices, relating to children in the child safety system, including those relating to the handling of cases, and to report to the commissioner. The commissioner will have the power to take over this review;
- the commissioner will be able to serve a notice on the Department of Child Safety, licensed care services and the other government agencies to require the provision of information to assist in the systemic monitoring function;
- the commissioner will be able to make recommendations to the agency; and
- the commissioner will be able to give a report to the relevant government minister or ministers on any failure by the agency to comply with a requirement of the commissioner, or to implement a recommendation.

The bill amends the Health Act 1937 to mandate both doctors and registered nurses to report suspected harm or risk of harm to a child to the Department of Child Safety. While doctors are currently mandated to report under the Health Act 1937, the CMC proposed that the way in which doctors report should be changed. The proposed amendments will stipulate that notifications must be made to the Department of Child Safety, when these notifications must be made and the information to be included in each notification.

The proposed amendments also include provision for further information to be provided by a doctor or registered nurse, if requested to do so by the chief executive of the Department of Child Safety or delegate, for the proper assessment of suspected harm or risk of harm to a child.

There are approximately 22,000 registered nurses in Queensland who will be affected by the new mandatory reporting provisions. A budget of \$1.5 million has been allocated for education and training of doctors and nurses about the new mandatory requirements.

The bill will also make minor amendments to the Births, Deaths and Marriages Registration Act 2003, the Child Care Act 2002, the Family Services Act 1987 and the Juvenile Justice Act 1992.

The amendment to the Births, Deaths and Marriages Registration Act 2003 will ensure that the Department of Child Safety obtains the date of birth of a child whose death has been registered with the Registry of Births, Deaths and Marriages. This information will assist the department to identify whether the child who has died had been known to the department in the previous three years and whether the department should conduct a child death case review under the provisions enacted in the stage 1 legislation.

The Child Care Act 2002 amendments rectify current problems with the timing of the issuing of blue cards to child care licensees and adult members of home based carers' households. The amendment to the Family Services Act 1987 will enable the ministers administering this act to delegate the ministers' powers to approve grants to non-government agencies. The amendments to the Juvenile Justice Act 1992 clarify that references to the chief executive are references to the chief executive of the Department of Child Safety where this is the case. These amendments are required as a consequence of the changes to administrative arrangements, as the Juvenile Justice Act and the Child Protection Act are no longer administered by the same chief executive.

This bill is the second phase of the government's legislative reform agenda for child protection. The stage 3 amendments require significant consultation with the child protection sector, as they will deal with the regulation of alternative care for children in need of protection and with the way in which the Department of Child Safety works with Aboriginal and Torres Strait Islander agencies and communities. In accordance with the blueprint, it is planned that the stage 3 amendments will be introduced into this House in May 2005. I commend the bill to the House.

Debate, on motion of Mrs Menkens, adjourned.

## LIQUOR AMENDMENT BILL

### First Reading

**Hon. M.M. KEECH** (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (2.21 p.m.): I present a bill for an act to amend the Liquor Act 1992. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. M.M. KEECH** (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (2.21 p.m.): I move—

That the bill be now read a second time.

The objective of this bill is to make technical amendments to the Liquor Act 1992 to ensure alcohol restrictions can be effectively enforced. The bill will exempt commercial transport carriers when they are transporting liquor, on consignment, through a restricted area. The current exemptions only allow commercial carriers to deliver to licensed premises within the restricted areas. This has been particularly problematic for deliveries to remote licensed premises situated north-west of Doomadgee. In remote areas commercial carriers make bulk deliveries to many small communities and isolated properties during the one delivery run.

The amendments will also enable restricted area permits to be issued for a specified period of time of not more than one year. This will mean permits can be issued to tour operators for the entire tourist season, reducing the administrative burden on both the tour operators and the government. Permits are also issued to members of the clergy to enable the carriage of small quantities of sacramental wine in restricted areas. The amendments will not impact on the issue of these permits. To ensure the intent of the alcohol restrictions is not compromised, a range of strict conditions are placed on all permits. These conditions specify that liquor must be stored securely and discreetly, that it cannot be removed in amounts more than the carriage limit and that heavy beer, fortified wine and spirits are not allowed in the northern peninsula area.

Finally, the bill will clarify any confusion relating to the inclusion of airport tarmacs within restricted areas. It will amend the definition of a 'public place' in a restricted area to specifically include tarmacs and any other land used for the landing and parking of aircraft within a restricted area.

None of the amendments to the Liquor Act will compromise the intent of the restricted area provisions or the Meeting Challenges, Making Choices strategy. They will merely clarify what is included in a restricted area, allow transport carriers to operate effectively in remote locations and provide administrative relief for tour operators that abide by the strict conditions placed on the restricted area permits. I commend the bill to the House.

Debate, on motion of Mrs Menkens, adjourned.



## **TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT (MISCELLANEOUS PROVISIONS) BILL**

### **First Reading**

**Hon. M.M. KEECH** (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (2.24 p.m.): I present a bill for an act to amend legislation administered by the Minister for Tourism, Fair Trading and Wine Industry Development, and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### **Second Reading**

**Hon. M.M. KEECH** (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (2.24 p.m.): I move—

That the bill be now read a second time.

My department is responsible for administering 78 acts. From time to time it is necessary to make minor and technical amendments to various legislative provisions to ensure these statutes continue to operate in the manner intended. Amendments to one piece of legislation may also be required as a result of changes to another piece of legislation.

This miscellaneous provisions bill amends 25 acts. Two of these are administered by other departments—namely, the Department of Public Works and the Department of Local Government, Planning, Sport and Recreation—but these amendments relate to the Commercial and Consumer Tribunal, which falls within my ministerial responsibility.

Amendments to the Associations Incorporation Act 1981, Bills of Sale and Other Instruments Act 1955, Body Corporate and Community Management Act 1997, Building Units and Group Titles Act 1980, Charitable Funds Act 1958, Collections Act 1966, Motor Vehicles and Boats Securities Act 1986, Retirement Villages Act 1999 and Securities Providers Act 1993 only address minor technical, drafting or grammatical issues.

The bill also removes the reference to the term 'head office' for the purpose of inspecting registers in relation to a number of statutes as the department's head office is not a public office. Since public offices will change from time to time and there are offices in regional areas of Queensland, the provision is changed to a flexible one which allows for the nomination of locations where particular registers will be available.

I will not detail the minor technical, drafting or grammatical amendments. These are specifically referred to in the explanatory notes. Other amendments do not adversely affect stakeholders but are required because of minor deficiencies in the operation of the legislation or as a result of changes to other legislation. I will outline the reasons for these.

Decisions made under the Building Act 1975 by the chief executive on the application of the standard building regulation and decisions by local government with respect to fire safety matters for low-budget buildings, swimming pool fences and enforcement orders for buildings or building work can be appealed to a building and development tribunal. The Commercial and Consumer Tribunal hears disciplinary matters with respect to building certifiers. The bill amends the Building Act to clarify which tribunal's jurisdiction is relevant to which provisions of the act.

The bill inserts a new provision into the Business Names Act 1962, empowering the registrar of business names to cancel the registration of a business name if proof of identity was not provided at the time of application and it is not subsequently provided when requested by the registrar within 21 days. It further provides that a person must not knowingly give the registrar a document containing false information, replacing the current prohibition on giving a false statement. A person requiring a business name may provide information through supporting documentation. The amendment is required to ensure the integrity of all information to be supplied to the registrar.

The bill amends the penalty for breach of the act in this respect. The maximum penalty for breach of the current clause 17 is four penalty units or three months imprisonment. The penalty when the act was passed in 1962 was 100 pounds or three months imprisonment. On decimalisation in 1966, this would have translated to \$200. In 1995 this was translated into four penalty units, currently totalling \$300. The monetary penalty no longer reflects the seriousness with which this matter was viewed in 1962, and there is therefore a great disparity between the possible fine and the term of imprisonment. The replacement for section 17 raises the maximum monetary penalty for an offence of this nature from four penalty units to 100 penalty units or \$7,500. The amendment is within current parameters. For example, the Property Agents and Motor Dealers Act 2000 has a penalty of 200 penalty units or two

years imprisonment for providing false information or making a false statement to a departmental official in relation to that act.

Registration of a business name provides a business with some legitimacy in the eyes of consumers. It is therefore not appropriate that a business be allowed to use a name which has not been legitimately registered. The bill amends an error in subsection 47(6) (c) of the Commercial and Consumer Tribunal Act 2003 by replacing the term 'mediation' with the term 'proceeding' to effect the original policy intention.

Amendments are made to the Cooperatives Act 1997 to ensure that references to corporations legislation are accurate and up to date. The states and territories have attempted to harmonise their respective cooperatives acts to achieve national consistency. The Queensland act, like the other jurisdictions, adopts a number of aspects of the Commonwealth Corporations Act 2001, such as the provisions to do with accounting and auditing, winding up and takeovers, which are suitable for use in the context of cooperatives. The Corporations Act 2001 is the successor of the Corporations Law, which was a national corporations law scheme whereby each jurisdiction enacted identical legislation. However, the High Court found that this scheme was flawed and, as a result, the states and territories ceded their powers to the Commonwealth and it passed the Corporations Act, which provided national legislation.

Following amendments to the Commonwealth Corporations Act 2001, the bill amends the Cooperatives Act 1997 to ensure that provisions in relation to continuous disclosure which applied under the previous Corporations Law continue to apply. For a cooperative to issue shares it is required to lodge a disclosure statement with the registrar. This is equivalent to a prospectus issued by a corporation. Continuous disclosure requires that if any significant event occurs which may affect the decision making of an interested party a new disclosure statement must be filed. The Cooperatives Act will also be amended to permit dividends or rebates to be used as a loan to a cooperative where such a loan is authorised by a cooperative's rules in addition to the situation where a member consents to such a loan.

Members of the Consumer Safety Committee are appointed under the Fair Trading Act 1989. They serve for a period of three years with all terms ending at the same time. The bill amends the act to allow the minister to appoint a person for less than three years, so that where a member does not see their term out another person may be appointed for the remainder of the term. This amendment assists with the practical operation of the Consumer Safety Committee.

Part 2 of the Funeral Benefit Business Act 1982 is amended to specify that the chief executive is appointed as the registrar of funeral benefit businesses.

The Introduction Agents Act 2001 provides that where the chief executive reasonably believes there has been a breach of the act the chief executive can request the introduction agent to give the chief executive an undertaking that the agent will not continue or repeat an act or omission. The bill inserts a new provision to enable the chief executive to enforce such an undertaking through the District Court where the chief executive reasonably believes there has been a breach of the undertaking. It also provides for the keeping of a register of undertakings. Both of these issues are addressed in a similar manner in other fair trading legislation such as the Property Agents and Motor Dealers Act 2000. The effectiveness of an undertaking is reduced if there is no ability to enforce it.

The Land Sales Act 1984 is amended by the bill to clarify that where a cadastral surveyor—that is, a surveyor who undertakes land boundary surveys—is only staking out a proposed allotment to indicate its boundaries under the Land Sales Act, this is not to be regarded as a survey mark which requires plans to be lodged under the Survey and Mapping Infrastructure Act 2003.

The Commercial and Consumer Tribunal is empowered to review decisions of the chief executive with respect to matters under the Liquor Act 1992 and the Racing Act 2002. The bill amends both acts to correctly refer to personnel at the tribunal.

The Manufactured Homes (Residential Parks) Act 2003 also provides for matters to go to the Commercial and Consumer Tribunal where there are disputes between home owners and park owners. For matters to go before the tribunal they must fall within one of two heads of power. The current wording of section 50, with respect to the consent of the park owner to an assignment of an interest in a site where a home owner is selling a home in a park, means that it is dealt with under a different head of power to all other applications under the manufactured homes act. This was not the original policy intention and, in fact, creates difficulties for the parties in having their matter resolved speedily. The bill replaces section 50 with a new section which addresses this problem.

The Property Agents and Motor Dealers Act 2000, commonly known as PAMDA, is one of the largest acts I administer as it covers seven industry groups. The bill makes a number of minor amendments to PAMDA, including—

- exempting court bailiffs from the auctioneer's licensing and regulation provisions. Some processes are already exempt from the act, such as a sale ordered by a sheriff;

- allowing new owners of a corporate business to reapply for a licence within three months of an application by the former owners being refused. Generally, a business cannot reapply within three months of an application being refused;
- restricting the need to supply certified recent colour photographs of an applicant on renewal or restoration of licences to circumstances when the chief executive requires them to be lodged. Photographs are supplied when licences are initially applied for and do not require updating on every renewal or restoration application;
- where a real estate agent has more than one place of business, allowing a restricted letting agent to be in charge of a place of business where the business of that office only relates to that of being a restricted letting agent. At present the law is unclear on this point;
- clarifying the appointment of a real estate agent by a client;
- preventing a licensee in any way profiting from expenses;
- reform of used motor vehicle contract statements. This is to enable the approved form to be more consumer friendly;
- clarifying the commencement time for warranty periods for a used motor vehicle;
- clarifying when notices must be given in the sale of a used car;
- clarifying that a person who makes a financial claim in the Small Claims Tribunal can make a claim against the Property Agents and Motor Dealers Claim Fund if they take action within the prescribed time frames. This ensures that people taking matters to the Small Claims Tribunal have the same rights as those who take their matter through the general court process;
- removing duplication of processes where a claim against the claim fund is not settled to assist in a quicker resolution of claims;
- setting specific time frames for comments to an inspector's report where there is a claim against the claim fund for clarity and to assist with quicker resolution of claims; and
- providing that a letter of demand must be sent to a trader before the Office of Fair Trading commences to recover monies due as a result of a successful claim against the claim fund as a matter of good practice and procedural fairness.

The bill amends the Residential Services (Accreditation) Act 2002. The act establishes a registration system under which a residential service is registered only if the service provider and associates are suitable and the premises in which the service is conducted are safe and otherwise suitable. It also establishes an accreditation system under which a residential service is accredited to provide a type of service only if that service is provided in a way that meets minimum standards.

It was recognised prior to enactment of the accreditation act that some existing residential service providers would not be able to comply with the requirements of the act without financial assistance. To this end, one-off financial packages were available from the Department of Housing to assist in the upgrading of premises to meet the new requirements. The Housing Department also provides grants under the Housing Act 2003 for the delivery of services. Residential service providers who are in receipt of such grants may be exempt from the requirements of the accreditation act since the grant process already contains significant accountability mechanisms.

The amendment will ensure that a service provider cannot claim exemption from regulation under the Accreditation Act simply by having been granted a financial package for the purpose of upgrading premises to meet the act's requirements. Having upgraded, these services are to be regulated unless they are in receipt of grants under the Housing Act 2003 in relation to the delivery of services. The Second-hand Dealers and Pawnbrokers Act 2003 is amended to allow the chief executive to delegate powers under the act to appropriately qualified officers. This is required for the efficient operation of the legislation. The bill makes amendments to the Tourism Services Act 2003 to ensure prosecutions for providing false or misleading information are not at risk of failure due to a technicality, namely that for an offence it is sufficient to describe a statement as false or misleading, not specifically one or the other.

Finally, the bill makes amendments to the Wine Industry Act 1994 to provide for the chief executive to delegate to Public Service employees, rather than only to departmental officers. These amendments provide flexibility where a delegation may be needed beyond departmental employees for particular projects.

In summary, the amendments in this bill will adjust operational difficulties which have come to light over time. The bill also strengthens consumer protection as the amendments not only provide more certainty in the interpretation of sections but also provide additional requirements to uphold the purpose of the legislation. I commend the bill to the House.

Debate, on motion of Mrs Menkens, adjourned.

## LOCAL GOVERNMENT (COMMUNITY GOVERNMENT AREAS) BILL

### First Reading

**Hon. D. BOYLE** (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (2.41 p.m.): I present a bill for an act to declare particular parts of Queensland to be local government areas under the Local Government Act 1993, establish new local governments for the areas, and apply provisions of that act to the areas and local governments, and for other purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. D. BOYLE** (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (2.42 p.m.): I move—

That the bill be now read a second time.

This bill represents the fulfilment of a major policy commitment by the Beattie government in establishing new arrangements for Queensland's 15 Aboriginal councils in deed of grant in trust, or DOGIT, communities. The current legislation for Aboriginal councils—the Community Services (Aborigines) Act 1984—is outdated and inadequate as a framework for sound local governance in Aboriginal communities. The past decade has seen frequent calls for its reform. This new legislation gives effect to the government's decision to grant Aboriginal councils full shire status—a move for which Aboriginal councils are well prepared. It replaces the current law in the Community Services (Aborigines) Act 1984 with a new law based on the Local Government Act 1993. It is the culmination of a comprehensive review of governance in Aboriginal communities that started with Justice Tony Fitzgerald and the Cape York Justice Study in 2001—a process led by the Minister for Aboriginal and Torres Strait Islander Policy and her predecessor.

Justice Fitzgerald's calls for change in this area were endorsed by community consultations led personally by the then Minister for Aboriginal and Torres Strait Islander Policy in late 2001 and early 2002. This bill represents a major element of the government's resultant Meeting Challenges, Making Choices strategy—a strategy that has at its core a determination to achieve and maintain an accountable, transparent and streamlined system of governance in Aboriginal communities.

Solid public consultation has been at the centre of the government's approach to this new direction over the past 18 months. Consultations first centred around the release of a green paper called Making Choices about Community Governance, and then a white paper called Meeting the Challenges of Community Governance, before the release of an exposure draft of this bill.

Aboriginal councils have come a long way since their inception. It made sense to align the operation of Aboriginal councils with the resources of a specialist local government department. My portfolio assumed responsibility for Aboriginal councils on 1 July 2004. I can advise the parliament that there is widespread support for the changes I am bringing to the House today, both from Aboriginal communities and other local governments. The government strongly believes that councils in Aboriginal communities should have the same legal status as other local governments in Queensland and, as far as possible, should be subject to the same rights and responsibilities.

This legislation will bring to an end the situation where councils in Aboriginal communities are separately identified by their aboriginality and subject to a separate, less rigorous local government model. The bill delivers laws for Aboriginal community governance that, as much as possible, apply the best practice framework from the Local Government Act. In doing so, we are not imposing on communities something that they themselves do not want but simply providing them with the tools they need to move forward, achieving effective and sustainable governance like other communities in Queensland.

This bill, in delivering full shire status for Aboriginal councils, replaces the outdated laws which are currently in the Community Services (Aborigines) Act. There are, however, some aspects of Aboriginal communities, such as the DOGIT land tenure, that are different from other Queensland communities. There is, therefore, a need to exempt Aboriginal councils from some requirements in the Local Government Act, as there is a need for special laws that meet some of the unique needs and circumstances of Aboriginal communities.

While we are repealing the laws in the Community Services (Aborigines) Act about Aboriginal councils, the remaining laws in that act, which deal with community justice groups, access to trust areas and other land issues, are being retained with modifications. The residual law will be renamed the Aboriginal Communities (Justice and Land Matters) Act 1984 and will fall within the portfolio responsibility of my ministerial colleague the Minister for Aboriginal and Torres Strait Islander Policy, the Hon. Liddy Clark.

The bill requires that the minister review the efficacy and efficiency of the act within four years of its commencement. This approach will provide an opportunity to consider whether separate legislation for these councils is still necessary at that time or whether the needs of Aboriginal councils can be met through application of the Local Government Act. In other words, we are setting in place a transitional arrangement.

Honourable members, there is another reason why we have not simply applied the Local Government Act in its entirety to Aboriginal communities. Aboriginal councils are at a different stage in their evolution to other local governments in Queensland. They have only been around for 20 years and, although many gains have been made, they are still developing their capacity. With this legislation we will develop their capacity further.

For example, most Aboriginal councils still use a cash system of accounting rather than the more onerous accrual system required for other local governments. In this respect they are not equipped to meet all the standards in the Local Government Act. We need a law that will facilitate an orderly transition to the local government framework while we work with Aboriginal councils to build their systems and build their capacities.

The new laws will impose a number of new requirements on councils in Aboriginal communities, including corporate and operational planning, annual reports, registers and a transition to accrual based financial management.

We will not see Aboriginal communities make this journey alone. A central component of the government's strategy is the provision of training and assistance to help them in the transition to full operational capacity. \$16.6 million has been allocated by the Beattie government to the Community Governance Improvement Strategy for specially targeted practical training and mentoring of Aboriginal councils. This strategy will not be run out of a headquarters in Brisbane. It will have a strong community focus. Officers will work with councils at a community level negotiating performance development plans annually for each Aboriginal and Island council. There will also be on-site assistance from a regionally based team of officers working through councils' chief executive officers.

We will deliver a comprehensive four-year training program for councillors and senior staff on corporate governance and leadership. We will provide assistance to improve business systems, implement policies and procedures, and assist in the implementation of corporate structures, corporate plans, annual reports, accrual accounting systems, various registers and other requirements of the Local Government Act.

During the transition phase of this legislation, we will not only retain for government the ability to appoint financial controllers but strengthen it. The financial controller can provide advice to the council about how to address its financial difficulties, and this will permit the financial controller to advise the council on a remedial action plan.

The financial controller's role is an important one in ensuring the council stays within its budget and is financially accountable. The current law gives this officer the power to revoke or suspend council resolutions that would be unlawful or cause insolvency, but no power in regard to cheques or electronic transactions. The bill fixes this loophole by requiring that the financial controller countersign any cheques and authorise any electronic funds transfers. The role of the financial controller is also further strengthened under this bill by requiring the council to cooperate with the financial controller in carrying out his or her functions. A council failing to cooperate with the financial controller would be in breach of the act, creating clear grounds for the council's dissolution.

Finally, there are some differences in the way Aboriginal councils have operated in the past that these communities wish to retain. The government has no wish to force Aboriginal councils to come under the standard model simply for the sake of uniformity. The Local Government Act model will provide best practice minimum standards for Aboriginal councils, but we have a commitment to accommodating some of the cultural characteristics and specific needs that these communities have raised during our consultations.

The retention of the term 'Aboriginal' in renamed shire councils was seen as significant for some councils in maintaining their distinct cultural identity. The government agrees. Aboriginal councils may therefore choose to be known as either 'shire council' or 'Aboriginal shire council'. This approach also recognises the fact the councils have continuing jurisdiction over Aboriginal owned trust land. The choice of title will have no effect on councils' legal status or responsibilities. New local government area maps will be drawn up for each former Aboriginal council area. This will represent an improvement on the current situation where Aboriginal council areas are defined by reference to property descriptions and not maps. This has created uncertainty about council boundaries in some cases.

I have recently announced that legislation will be prepared requiring all councils to have an enforceable code of conduct for councillors, including a complaints management process. This, too, will apply to Aboriginal councils. There is also a requirement to improve superannuation arrangements in line with the Local Government Act. Councils will have to use the Local Government Employee Superannuation Scheme—in fact, many already do—and they will ultimately have to contribute 12 per

cent of employees' salary to this scheme, with the employees themselves contributing six per cent. To avoid an immediate impact from increased costs for the councils, the implementation dates are being staged over the next four years. New money committed through our community governance improvement strategy will support the councils through this period of change.

In relation to elections, Aboriginal councils will not be subject to the Local Government Act electoral model in its entirety, but will instead—as is the case now—have their own regulation closely modelled on the Local Government Act. A key theme from our consultations with communities has been their desire to retain some flexibility in the electoral model. Three key differences from the Local Government Act should be noted. Firstly, while the Local Government Act prohibits councillors from being employed in any position within their own council—unless permitted by regulation—in the Aboriginal communities they are prohibited only from employment in senior positions. This rule is intended to limit the possibility of serious conflicts of interest while recognising that in most Aboriginal communities there are few employment opportunities for councillors outside of the council organisation itself. Secondly, the chairpersons of many Aboriginal councils are elected by the councillors rather than directly by the community. This is a longstanding practice which some councils have requested be retained, although councils will continue to have the choice of moving to a system that requires the direct election of the mayor. Thirdly, in keeping with our flexible approach which recognises that communities have differing needs, we are providing for possible variations in the electoral model.

If communities or councils request a change, the request may be referred to a Local Government Electoral and Boundaries Review Commission. Some communities may seek to have electoral divisions, based either on geographical boundaries, such as local government wards, or on indigenous social groupings, such as families or clans. Saibai Island Council in the Torres Strait already has a clan based system that works. In retaining some of the current requirements in law, I am confident that we have the balance right.

The bill also includes a number of laws that are designed especially for community governments in Aboriginal communities and are additional to the Local Government Act. Special provisions are being made for Aboriginal councils to set up local services committees to manage various council programs and services. One of the particular challenges for Aboriginal councils is that they are asked to administer a much wider array of services than other local governments. This is not only burdensome; it can also be inappropriate in the context of Aboriginal cultural practices. An example is the management of trust lands by councils, which may more fittingly be placed in the hands of traditional owners. In practice, many Aboriginal councils have managed this situation by delegating some of their responsibilities to local bodies such as land management offices.

The Local Government Act allows councils to set up advisory committees of community members, but not to delegate decision-making power to such committees. This bill acknowledges the reality in Aboriginal communities by allowing councils to delegate decision-making powers to committees in the community. Because the members of these committees will be exercising council powers, the bill places committee members under the same obligations as councillors. For example, committee members must withdraw from decisions where they have a conflict of interest.

The remaining parts of the Community Services (Aborigines) Act will remain, with some amendments, and that act is being renamed as the Aboriginal Communities (Justice and Land Matters) Act 1984. I draw the attention of the House to a few key changes that are being made in this process. Honourable members may be assured that the upgrading of Aboriginal councils will not lessen the pool of funding available to either other local governments or Aboriginal councils. Indeed, as I said earlier, more money has been allocated to assist in the transitional period.

This new legislation will be supported with subordinate legislation. A Local Government (Community Government Areas) Regulation 2005 will set out electoral matters in relation to councils in Aboriginal communities and amend other regulations as necessary. There will be a new Local Government (Community Government Areas) Finance Standard 2005, which will apply financial management standards that are more appropriate to these councils than the Local Government Finance Standard 1994.

I ask the House to note that the present bill applies only to Aboriginal councils. Torres Strait Island councils have told us—and we have agreed—that their needs are different and should therefore be reviewed separately. That process will start later this year. This bill is a landmark in the history of local government in Queensland. As Queensland's Minister for Local Government, and a parliamentary representative from far-north Queensland—where many of the councils are located—I am immensely proud of this step we are taking to strengthen Aboriginal councils, and I look forward to a strong partnership with the councils to this end.

The legislation applies to 15 Aboriginal councils. Their names and those of their present mayors are—

- Cherbourg, Ken Bone;
- Doomadgee, Clarence Walden;

- Hope Vale, Greg McLean;
- Injinoo, George Ropeyarn;
- Kowanyama, Leslie Gilbert;
- Lockhart River, Johnson Chippendale;
- Mapoon, Peter Guivarra;
- Napranum, Charles Hudson;
- New Mapoon, Colin Bond;
- Palm Island, Erykah Kyle;
- Pormpuraaw, Bert Edwards;
- Umagico, George Mara;
- Woorabinda, Roderick Tobane;
- Wujal Wujal, Desmond Tayley; and
- Yarrabah, Vincent Mundraby.

May they be recognised for the important job that they have ahead.

Unquestionably, today's bill marks the arrival of a very significant time in the history of Aboriginal communities. Much of the treatment of past generations has been marked by a level of disrespect that is undeniably reprehensible. More recent times have seen us working steadily towards a future with greater opportunities for councils to take a leading role in determining their communities' futures. I want it acknowledged on the record today that these local governments have a big contribution to make to local government in this state. Many of them are tackling an array of complex challenges in their communities the like of which is not known in the state's other 125 councils. Theirs is a very big job and their contribution to their communities must not be understated. I welcome these 15 Aboriginal councils to the local government community. They have a big role to play in the future of local government in Queensland. It is an exciting future and the time is right to take this next step. I commend the bill to the House.

Debate, on motion of Mr Malone, adjourned.

## COMMUNITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

### First Reading

**Hon. E.A. CLARK** (Clayfield—ALP) (Minister for Aboriginal and Torres Strait Islander Policy) (2.59 p.m.): I present a bill for an act to amend the Community Services (Aborigines) Act 1984, Community Services (Torres Strait) Act 1984 and Police Powers and Responsibilities Act 2000. I present the explanatory notes, and I move—

That the bill be now read a first time.

Motion agreed to.

### Second Reading

**Hon. E.A. CLARK** (Clayfield—ALP) (Minister for Aboriginal and Torres Strait Islander Policy) (2.59 p.m.): I move—

That the bill be now read a second time.

Today I am introducing legislation which will assist Aboriginal and Torres Strait Islander communities and the state government in their campaign against alcohol dependence. The Community Services Legislation Amendment Bill 2004 will deal with an issue which has emerged since the introduction of alcohol management plans in a number of communities in Queensland. This is the issue of home-brew. The production of home-brew has become a problem in a small number of communities. These are communities that are looking to become stronger and healthier. They are working towards a more promising future for their children and for each generation to come. They want their alcohol management plans to work. This small number of communities has asked the Queensland government to take action to deal with the problem of home-brew. This legislation sets out a course of action to meet the specific needs of each community. It is not a blanket ban on home-brew. I repeat: this is not a blanket ban on home-brew. There are communities where home-brewing is a problem and there are communities where it is not. This legislation allows the flexibility to prohibit home-brew only when the community believes it is a necessary step to build a stronger future.

As honourable members are aware, since 2002 the state government has worked in partnership with remote indigenous communities to implement alcohol management plans. This was a priority of Justice Tony Fitzgerald's Cape York Justice Study and is a pivotal step in ending the cycle of violence

which can make so many people's lives a misery. The plans were part of this government's Meeting Challenges, Making Choices strategy, a strategy which does not dodge the difficult issues. It is indeed meeting the challenges. Already we are seeing the results of our partnership with Aboriginal and Torres Strait Islander community justice groups which has seen the implementation of 17 alcohol management plans. In Aurukun, Doomadgee, Lockhart River, Napranum, Woorabinda and Wujal Wujal there has been a 48 per cent reduction in the quarterly average number of hospital admissions for assault, and recent available evidence indicates that there has also been a significant response to alcohol restrictions with a reduction in alcohol related criminal violence in nine communities.

The alcohol management plans are making a difference to the everyday lives of people living in remote communities. They are reducing violence, they are helping children learn and they are protecting the rights of those who have no other way to ensure their safety. But there is more to life in these communities than just the figures. We cannot afford to be complacent, and there are still enormous challenges to overcome if we are to ensure the long-term success of positive changes. The wonderfully dedicated men and women of community justice groups are leading the effort in their communities. They are carrying out tasks which provide a solid building block for the future.

In 2002 the Beattie government backed the community justice groups by giving them the legislative authority to recommend and work towards alcohol restrictions. We need to continue our support for these groups and these communities, and the bill I am introducing today is a part of this effort. This continues to be a learning curve and we are listening to the issues raised by each community. A small number of communities have asked the state government for help in dealing with the actions of those who are brewing their alcohol at home to avoid alcohol restrictions. It is currently not an offence to transport a home-brew kit through a restricted area or a dry area to a private residence and then produce home-made alcohol. Recent information from the Queensland Police Service has confirmed anecdotal evidence that home-brewed alcohol is being produced in some communities to avoid the alcohol management plans. This was obviously not the intent of alcohol restrictions. The increase in home-brewing has the potential to not only undermine the effectiveness of the restrictions but also give rise to health risks. There are risks associated with drinking unfermented or 'green' alcohol produced without adequate sterilisation procedures or home-brew that has a high alcohol content.

This Community Services Legislation Amendment Bill will allow the communities, in consultation with the state government, a way to move towards banning home-brew if it is a problem. The objective of the bill is to regulate, where appropriate, both home-brew kits and home-made alcohol in deed of grant in trust communities and the shires of Aurukun and Mornington Island for the purpose of further minimising harm caused by alcohol, its misuse and the violence it carries with it. I want to emphasise to the House and to Aboriginal and Torres Strait Islander communities that this bill will not impose an immediate ban on home-brew kits and home-made alcohol in all DOGIT communities and the shires of Aurukun and Mornington Island. Instead, it will enable the government to prohibit home-brew in a particular community in response to concerns raised by members of that community or if there is other compelling evidence that it is necessary.

The government is not imposing these restrictions on Aboriginal and Torres Strait Islander communities. The impetus for any bans will come from those communities. As we have done with alcohol management plans, we will continue to work with the communities to ensure the restrictions are working effectively. The alcohol management plans are being progressively reviewed, a process which includes extensive community consultation. Our review team is looking at whether the plans are meeting the needs of each community. If a review indicates that home-brew is a problem, we can respond to this in cooperation with the community. In other words, we will consider the application of this law in each community on a case-by-case basis.

The bill includes amendments to both the Community Services (Aborigines) Act 1984 and the Community Services (Torres Strait) Act 1984. It will make it an offence for a person in a prescribed community area to possess a home-brew kit, possess home-brew concentrate, possess home-made alcohol or supply home-made alcohol to someone else. The restriction on the possession of home-brew kits means alcohol will not be able to be brewed within any part of a prescribed community area. Community areas where the law can potentially apply are the 15 Aboriginal council areas under the Community Services (Aborigines) Act 1984, the 17 Island council areas under the Community Services (Torres Strait) Act 1984 and the shires of Aurukun and Mornington Island. The bill extends the existing police powers under the Police Powers and Responsibilities Act 2000. These were conferred as part of the implementation of the government's alcohol management strategy. Police powers are extended by the bill to enable enforcement by a police officer of an offence under the community services acts that involves or is likely to involve home-brew kits and home-made alcohol.

Police will have the power to seize and dispose of opened and unopened containers of liquor where a police officer reasonably suspects an offence relating to home-made alcohol. The amendments extend the existing police power to stop and search a vehicle for the purpose of enforcing liquor restrictions to also include the restrictions on home-brew kits and home-made alcohol. The maximum penalty rate for a breach of the restrictions on home-brew kits and home-made alcohol is \$18,750 and mirrors the existing penalties for sly grog under the Liquor Act 1992. Those are maximum penalties, so



the decision about the actual penalties will, as usual, be a matter for the court. The courts are using their full discretion when handing down penalties for breaches of alcohol limits under the previous legislative changes. No person appearing before the courts has yet been fined the maximum amount. The average penalty handed down by the courts has been \$500. The punishment for breaching bans on home-brew kits and home-made alcohol or the supply of home-made alcohol to an individual will continue to match the seriousness of the offence.

We must not lose sight of the true objectives of the state government's alcohol management strategy. This government has a long-term commitment to stopping the cycle of violence which can be so destructive to the health and the wellbeing of any community. This has proven to be the case in many remote Aboriginal and Torres Strait Islander communities and we are continuing, in partnership with the communities themselves, to change this dangerous pattern. This bill will ensure that the progress made through alcohol restrictions is not threatened by the use of home-brew kits. It is another step in building a much stronger future for people who live within these communities, and I commend the bill to the House.

Debate, on motion of Mr Horan, adjourned.

## PLANT PROTECTION BILL

### Second Reading

Resumed from 1 September (see p. 2231)

**Mr PURCELL** (Bulimba—ALP) (3.09 p.m.), continuing: I take up where I left off the other day in addressing the concerns that the state, the growers, pastoralists and other primary industry producers have in regard to the eradication of certain diseases that may occur in crops and animals from time to time. Some sections of the community have criticised the government about the action that it has taken. Unfortunately, those individuals do not look at the broader picture and the results of their actions. Although it can be devastating to individuals at times, mechanisms are in place to assist them if they are caught up in natural disasters, including the discovery of diseases on their farms or in their crops. We need to be able to monitor regularly, efficiently and accurately for the presence or absence of pests, and that is what this legislation will do. The current laws do not allow this and we are rectifying that today. We need to ensure that after eradication there is continued surveillance of the affected area.

The most fundamental issue is the need for keeping and being able to produce relevant movement records. That is very important if there is a reinfestation, as that reinfestation could then be tracked down and the problem sorted out. We must make available important information about an infestation to enable the timely tracing of movements to the host plant. All of this combined will go a long way towards the eradication, prevention and control of whatever disease or animal needs to be traced. Those are very simple words—prevention, eradication and control—but they are very important.

One can only hope that this legislation will ensure that the department does not have the problems that it had recently, so that industries will not be devastated and growers and producers will not be disadvantaged by the department not being able to act swiftly when problems arise. Our island nation of Australia is clean and green, and our merchandise has a very good reputation overseas. I support the bill.

**Mr ENGLISH** (Redlands—ALP) (3.11 p.m.): Many speakers have spoken about the importance of the citrus industry to the Queensland economy. This industry is an important contributor to our economy. I would like to point out that these comments, whilst accurate, fail to acknowledge the local importance of this industry on small communities.

In the beautiful electorate of Redlands, farmers grow some very tasty pomelos. They grow both the sweeter smooth skin pomelos and the more tart rough skin pomelos. Those farmers have successfully targeted a niche market in Sydney that readily appreciates the quality product cultivated in the Redlands. When our citrus industry is at risk, it is not only the economic impact that we need to consider. The growers are local residents and the workers are local employees. When those people hurt, our community hurts.

Early this year the disease citrus canker was identified on a property near Emerald. To protect the state's citrus industry, the Department of Primary Industries reacted quickly to isolate the affected areas and began to clear the contagion. It was during this process that some weaknesses were identified in the current legislation. The state government needs to be able to deal with any outbreak of exotic disease that may compromise Queensland's primary industries. Failure to take immediate and appropriate action could result in loss of market for Queensland primary industries. This will result in flow-on impacts for communities across the length and breadth of Queensland.

Queensland primary industries have a great reputation for being clean and green. Our officers in the Department of Primary Industries and the farmers are at the front line in this battle against exotic

disease to maintain our clean and green reputation. I thank staff from the Department of Primary Industries across the state for their quick and efficient response to the citrus canker outbreak.

I also thank them for their support of other growers in their attempts to reopen markets to Queensland citrus. Whilst farmers were required to further treat their fruit, the alternative, which was a long closure to southern markets, was unthinkable. I am glad that farmers and officers worked together to protect Queensland citrus industries. The amendments contained in this bill will continue to ensure that the Department of Primary Industries has the necessary legislative tools to continue its work of ensuring that Queensland primary industries receive good prices for their crops on the basis of our clean and green image. On behalf of all Queenslanders, I commend this bill to the House.

**Ms MALE** (Glass House—ALP) (3.14 p.m.): It is my pleasure to rise to speak on the Plant Protection Amendment Bill 2004. Everyone in this House would acknowledge the importance of the citrus industry to Queensland's economy. In the 2001-02 financial year, the Queensland citrus industry posted a gross value of production of over \$91 million. The values associated with this industry obviously include providing employment directly within the farms and other allied industries, not to mention the money that circulates through the economy because of farm production. It is vital that protection of this industry is implemented.

Earlier this year there was a citrus canker outbreak near Emerald that had the potential to devastate Queensland's industry and mar our clean produce image. The Department of Primary Industries and Fisheries exercised its powers under the Plant Protection Act to the fullest extent possible in order to prevent further outbreaks and to control and eradicate this disease. Some growers whom I have spoken to have been happy with the decisive action taken by the minister and his department but have expressed their concern with the whole process, and particularly the role of AQIS and its lack of action over the past couple of years.

Minister Palaszczyk worked tirelessly throughout the outbreak to get the interstate markets reopened after their initial prohibition. He worked to ensure that Queensland grown citrus, apart from that grown on the infested Emerald district property, would still be able to be accepted by interstate and overseas markets. The staff of the Department of Primary Industries were well prepared for the interstate markets reopening. When they had that access granted, all fruit had to be inspected, treated and certified, which involved over 120 people working as authorised inspectors and over 300 people deployed in the whole citrus canker response. I congratulate the minister and his department for this comprehensive response to what could have been an absolutely devastating outbreak that could have destroyed this very important industry.

During the disease incursion it became apparent that a number of changes needed to be made to the original Plant Protection Act to ensure that the government can effectively respond to such outbreaks. As everyone is aware, the department's powers to eradicate the diseased plants were challenged in the Supreme Court by a grower. This is absolutely outrageous and that particular grower was willing to risk the entire industry due to his own selfishness. Thankfully, the court upheld the government's right to destroy the diseased plants and the eradication then went ahead successfully.

We need to have strong legislation to ensure a strong response can be enacted by the government when industries are put at risk. Apart from the eradication issue, this bill will include basic powers to allow departmental officers to monitor for the presence or absence of a pest. This is one area where growers told me that they felt let down by AQIS's lack of monitoring for this important quarantine function.

To summarise the bill, it will amend the Plant Protection Act 1989 to do the following: ensure the state has the legislative support to carry out treatment or destruction within a pest quarantine area, ensure that landowners of infested properties cannot seek judicial review by way of injunctions or court hearings in order to prevent eradication and other emergency response activities, provide improved surveillance and monitoring powers to inspectors, allow inspectors to access relevant movement records to trace potentially infected plant matter and allow us to apply appropriate penalties. As I said, it is critical that the government has the necessary legislative capacity to control and eradicate devastating disease and pest incursions when they strike, and I am confident that this bill will provide that capacity. I commend the bill to the House.

**Hon. H. PALASZCZYK** (Inala—ALP) (Minister for Primary Industries and Fisheries) (3.18 p.m.), in reply: I thank all honourable members for their contributions to the debate. I also thank all honourable members for their support of this legislation. I acknowledge the efforts of the Department of Primary Industries and Fisheries in dealing with the detection of citrus canker on a single property in the Emerald district. I believe it was a fantastic effort. The department responded in what is regarded as world-record time. The citrus canker detection is one of the most serious issues to confront Queensland's primary industries in a decade.

Some National Party members referred to biosecurity funding under the Department of Primary Industries and Fisheries. Once again I refute their false claims of reduced funding. Their claims were false on budget day, their claims were false at the estimates hearing and their claims have been false also in the passage of this legislation. I table the answer to a question on notice asked of me prior to the

estimates hearing to prove my point. Fiscally, the budget represented an increase of \$5.8 million or 2.6 per cent in real terms over the 2003-04 allocation. I return to the bill.

The additional powers the bill provides for are necessary. The lessons we learnt from dealing with the citrus canker detection in July are now being turned into law, and this will happen by the end of September. I believe that that is, again, a fantastic response.

I will cover some general issues raised during the course of the debate. In terms of compensation, this bill will have absolutely no effect. The destruction of host plants is undertaken under section 11 of the act. Compensation is currently not payable under section 11, and that will remain the case. Section 28(2) of the act excludes compensation for damage through compliance with the act other than for the destruction of healthy plants under section 14 of the act. A national cost sharing deed of agreement which includes all of the states, including Queensland, is being developed by Plant Health Australia. The compensation arrangements under the act will need to be changed to allow for the payment of compensation in accordance with this cost sharing deed.

The wider review of the act will include a review of the compensation arrangements under the act. Currently, section 14 of the act provides compensation for the destruction of healthy plants. However, compensation under section 14 is only incurred if the director-general considers it necessary to destroy healthy plants to prevent, control or remove a pest infestation of plants and gives a direction to the landowner to this effect. The compensation entitlement is that amount that is mutually agreed between the landowner and the director-general.

Currently, the act provides for landowners and owners of harvested crops to treat or destroy plants that are infested with a prescribed pest when required to do so under section 13, under a quarantine notice or regulation. In these circumstances, landowners and owners of harvested crops bear the costs of treatment and destruction. Plant Health Australia, however, is developing a joint industry-government cost sharing deed of agreement to provide funding for emergency response activities including treatment and destruction of infested plants and to compensate owners.

The canker emergency response was carried out under a cost sharing arrangement. Therefore, all costs incurred in the treatment and destruction of host plants carried out by inspectors or persons under the supervision of inspectors within the affected areas were paid for by the Department of Primary Industries and Fisheries, with recovery costs afforded in accordance with the national cost sharing agreement for emergency response to canker.

This bill is amending the act to enable an inspector to treat or destroy infested plants when necessary to manage the risks of preventing, controlling or removing the infestation. In these circumstances the owner may be required to bear the cost of treatment and destruction where the pest or situation is not covered by the cost sharing deed of agreement. A separate broad review of the act is being undertaken to address this issue.

The other issues raised, which I intend to address, are unrelated to the bill. In terms of backyard surveillance for citrus canker as raised by the member for Gregory, I can say that surveillance in backyards was carried out in Emerald at the same time it was carried out on the commercial citrus properties.

The member for Gladstone raised the issue of record keeping requirements. The record keeping requirements are for anyone who sells plants. That is, anyone who sells plants in a market, such as a flea market or any major nursery or supermarket, is dealt with as a commercial operator by both the tax office and DPIF. For example, existing fire ant movement controls target weekend flea markets.

If we put the central issue of citrus canker to one side, it is timely that we debate this bill. With the arrival of spring and warmer temperatures, we are turning up the heat on exotic pests at both ends of the state. In the state's south-east, the fourth season of the fire ant treatment campaign is to resume next week. About 400 personnel will be engaged in the task of finding and eliminating the ant. The eradication program to date had been successful beyond the Fire Ant Control Centre's expectations. Since 2001 when fire ants were discovered in a Brisbane suburb in my electorate, the Fire Ant Control Centre reports that it has succeeded in eliminating 99 per cent of known infestations, surpassing the expectations of fire ant experts around the world. What this means, in effect, is that in the designated restricted area there are actually very few fire ants left.

This year the National Fire Ant Eradication Program reached a major milestone with the majority of the heavily infested areas of south-east Queensland reverting to surveillance only. Treatment is now confined to just 30,000 hectares in areas recently detected, such as in the shires of Logan, Beaudesert and Ipswich and the Brisbane suburbs of Rocklea, Kingston and Eight Mile Plains. I appeal to the public to remain vigilant, reporting any suspicious ant activity immediately to the Department of Primary Industries and Fisheries' call centre on 13 25 23.

Meanwhile, at the top of Queensland operations are again gearing up in the Torres Strait to protect Australia from exotic fruit flies arriving in the region during the summer wet season. The fruit fly surveillance and eradication program, run by the Department of Primary Industries and Fisheries and the Australian Quarantine and Inspection Service, has proven to be an effective barrier against pests

such as papaya fruit fly and melon fly reaching Australia. If these pests become established in this country, the outbreak would have a devastating effect on our horticulture producers. To reduce this risk, a network of fruit fly lure traps has been set up by AQIS on all major islands in the Torres Strait. Trapped flies are identified by specialised staff, and data on the numbers trapped is used to determine whether or not control measures are necessary. The number of flies detected in the past 12 months is well down on the previous year. In fact, papaya fruit fly numbers have been halved. In early November this year proactive blocking will again be done on the islands of Boigu, Dauan, Saibai and Darnley.

Before concluding my remarks I return to the issue of citrus canker and the role of AQIS. Let me just set the record straight on this issue. In 2001-02 AQIS investigated an alleged illegal introduction of plant material by the owners of the same property at Emerald that was subsequently quarantined for canker on 30 June 2004. The property was placed under quarantine by AQIS officers, and the alleged offence was appropriately investigated under the authority of the Quarantine Act 1908. As a consequence of a deed of agreement between the property owner and AQIS, a number of citrus plants were then destroyed under the supervision of AQIS inspectors.

DPIF was not privy to the contents of the deed of agreement between the property owner and AQIS. Under these circumstances, DPIF inspectors did not have a reasonable suspicion of an offence against the Plant Protection Act 1989 to enable entry of an inspector onto the property in question or onto neighbouring properties. The only lawful means of entry our inspectors had in these circumstances was with the permission of the landowners. At that time the landowners refused permission for our inspectors to enter and conduct surveillance on these properties.

The need for cooperation between AQIS and DPIF in preventing, controlling and removing exotic pest infestation is acknowledged. I have written to Minister Truss to review the interface between AQIS and DPIF and the processes to ensure the prevention of introduction, the control of spread and removal of exotic plant pest incursions in the public interest. That is being done.

Finally, I point out to the House that there is an error in the explanatory notes in relation to section 14. The penalties have been quoted as going from 1,000 penalty units to 2,000 penalty units. That is not correct. It should read, as it reads in the bill, that the penalties are proposed to increase from 200 to 400 penalty units.

I thank all honourable members who participated in this debate and the opposition spokesperson, who has indicated the opposition's support for this legislation. He did inform the House that he will ask a number of questions during consideration in detail. I look forward to that.

Motion agreed to.

### Consideration in Detail

Clause 1—

**Mr HORAN** (3.30 p.m.): We are all aware clause 1 is the short title of the bill. I was going to speak in general about the issue of compensation which the minister has addressed.

**Mr DEPUTY SPEAKER** (Mr Fouras): That is not in order.

**Mr HORAN:** It is not in order, I have now found out. There are some other clauses in the bill which I will address.

**Mr DEPUTY SPEAKER:** No, it is not in order so you will have to talk about it when debating the clauses.

**Mr HORAN:** It appeared there was no other opportunity for that issue. I have found another opportunity to resolve it from the minister's last speech, so I am happy to do that.

Clause 1, as read, agreed to.

Clauses 2 to 4, as read, agreed to.

Clause 5—

**Mr HORAN** (3.31 p.m.): Clause 5 deals with authorised questions, and there are a number of explanations which I am seeking here. Firstly, under proposed section 6D it states—

The chief executive may appoint an individual as an authorised person.

Does that mean that the authorised person is actually an inspector or is it just someone who happens to be working in the area of surveillance? Because there is a difference between inspectors in this legislation and those people undertaking surveillance. Is it the inspector whom the chief executive is able to appoint? Under proposed subsection 2, it states—

... included in a class of individual declared under a regulation to be an approved class of individual for this section ...

Could the minister explain what these classes of individuals are? A bit further down, the proposed subsection states that the chief executive has to be satisfied the individual has satisfactorily finished training approved by the chief executive.

There may be some very urgent cases when a disease suddenly breaks out and, as the minister knows, you have to pull people from different branches all over the place. I made a comment at a little thankyou function at the DPI in Toowoomba that, although some people found getting up ladders and checking leaves on thousands and thousands of trees was a difficult task, some of the vets who had to go out there probably found that preg testing was not so bad after all.

Getting back to the serious side of training, there could be some very urgent things that happen and training may have to be almost simultaneous with getting people in the field because time will be of the essence. Could the minister give us an explanation about satisfactorily finished training? If they are partly through their training or are being instructed on the job in the event of a shortage of staff or a major calamity, what is involved?

**Mr PALASZCZUK:** There are a number of questions. In relation to inspectors and authorised persons, when we talk about inspectors and we talk of a specific disease, we could mean plant pathologists, entomologists or horticulturists in the area of inspectors. Authorised persons are persons who can be appointed by the chief executive officers, and they will only be appointed if they are Public Service officers or employees or an individual in a class of persons prescribed by regulation as being appropriate for appointment.

If we talk about the other classes of individuals that the honourable member referred to, they will be restricted to those that are prescribed in regulation and will be limited to those classes who have the necessary knowledge and skills for appointment, such as the three that I have referred to. We can talk about consultants with a specialist knowledge or skill in diagnosis. They may be an appropriate class of person for an appointment as an authorised person to undertake surveillance for presence or absence of the pest for which the consultant has expertise.

In addition, all individuals may only be appointed as inspectors or authorised persons if they have the necessary expertise or experience or they have achieved the minimum competencies in an approved training program. All inspectors and authorised persons will receive an instrument of appointment that defines their powers and conditions of appointment, and inspectors and authorised persons will be managed by Biosecurity to ensure legislative compliance. This will address the exercise of power and functions in strict accordance with the act and any limitations imposed by the instrument of appointment.

The honourable member correctly raised the recent case of canker and the training provisions that are required. Whenever a disease or an outbreak occurs, we have to play it by ear. As to the number of inspectors and other people who worked on the citrus canker campaign—as the honourable member mentioned, we had vets climbing ladders, checking leaves and so on. They were able to be put into the field pretty quickly. Within days we were able to put together a team of about 140 people. I suspect the honourable member is alluding to the fact that we should have a number of people within Biosecurity set aside ready to be called on whenever required, but unfortunately that is very difficult to do, especially when we talk about finances and budget allocations. It is impossible to have so many people sitting around waiting for an outbreak to occur.

By the experiences that we have gained in the citrus canker episode, we were able to train up people pretty quickly—as a matter of fact, within a day—to be able to work in side by side with DPI officers who are specialists in the field to be able to assist them in identifying the canker. They were not leaders but they were there as part of the team to assist the DPI inspectors to perform their job effectively.

**Mr ROWELL:** I would like to raise the issue of a contingency plan. With things of this nature, early intervention is very important and has to take place very quickly. While the minister says that he does not have resources to have a large number of people on hand, we have to get hold of those people who have some expertise. It is absolutely essential to have access to people such as entomologists and plant pathologists. The difficulty is that we never know in what part of the state an outbreak is going to happen. If it is an area of the state which is limited in its population and there is a big demand, it is an issue that has to be addressed very rapidly. Early intervention, as I have said, is the key to any degree of success.

I have been through a few of these problems with black sigatoka and papaya fruit flies. I am aware of what it takes. We need to quickly get into the field and identify that there is a problem, but it goes further than that. If it is an isolated location, that is one issue. But, if it is over wide areas, as we experienced with the papaya fruit fly—some 70,000 to 80,000 hectares—it makes it very difficult to get off the ground quickly.

I think the shadow minister is referring to the fact that we need a plan in the event that there is an occurrence of some exotic pest or disease that is not indigenous to Australia. It seems that no matter what we do regarding AQIS controls, increasingly, with the amount of travel and trading with other countries, one of the prime requisites is that if we do not get on to this issue very, very quickly we will not stand a chance of containing some of these pests and diseases.

If members think that the initial cost of having people on hand or having people who have a degree of training is high, what we have seen—particularly with the fire ant—truly indicates that the cost can be very, very excessive. While the state government puts money into it, the federal government has put quite a bit of money into these issues over a period of time. I would like to know—whether it be foot-and-mouth disease or whatever—what sort of contingency plan we have. How does the department view risk? At the end of the day it is all about risk and how we deal with it. We need a process that is sound so people can hit the ground running and provide some good, sound prospects of containing it. If it is in a broad area, a variety of people with some degree of expertise need to be on hand, and that is what makes it difficult, because unfortunately when it is over a large area it does take a lot of reining in.

There is no doubt that some knowledge is being developed about some pests and diseases and the use of attractants, how we go about identifying them and how we can actually stop them. But for us to be penny-pinching in this area—in view of the increasing number of exports and tourists coming into the country, and with the best will and the additional money that has been spent by AQIS recently in trying to stop pests and diseases coming into Australia—with the best laid plans of mice and men, there are problems.

While it is AQIS's responsibility to stop pests and diseases coming in to Australia—and I think there is a bit of a unique situation with citrus canker—there is a problem that could occur at any time of the day or night that we have to be ready for. I would like to hear from the minister what level of support there is in the way of finances. How is a contingency plan going to be developed—if one is going to be developed—and what is the minister's thinking on how important it is to stop these diseases in the earlier stages? Every two to three years a pest comes out of the woodwork that we have to control. Is the knowledge within the department wide enough at the present time to know all the anecdotal information that is so critical to come to terms with what is required, or are we just struggling from problem to problem in trying to address these issues?

**Mr PALASZCZUK:** The honourable member has asked a number of quite involved and complex questions, but let me reassure the honourable member that we have beefed up our biosecurity budget within the Department of Primary Industries. I believe that we do have an adequate response to any pest or disease incursions. If members have a look at animal disease, pest disease or insects, the response to any type of incursion is basically the same. We do have the expertise within the Department of Primary Industries to be able to do that. Do not forget that we can also draw pretty quickly on the expertise of other states as well. We did that with the citrus canker incursion. We did have support from the other states.

Having said that, the best way to prevent any exotic pest and diseases coming into our country is to stop them at the border. That is the job of AQIS, and that is the job of the federal government. But the honourable member quite rightly said, and alluded to the fact, that there is so much movement around the world now. We have more and more people coming into Australia—we have more ships coming into Australia, more aircraft coming into Australia—that we have to keep beefing up our AQIS funds to make sure that we do not have these incursions.

To reassure the honourable member, let us just go through some other pest and disease incursions. I mention two. I believe that what we have done with the fire ant incursion is a world first. From the moment that I was notified as minister that fire ants were identified in Queensland, we got to work as quickly as possible, mobilised people within Queensland, and obtained the support of the other states and the Commonwealth government. What has happened over the last three years is tantamount to our ability to be able to handle that incursion.

I mentioned again in my summing-up the issue of the papaya fruit fly. When the honourable member was a minister he was part of that. As minister, I was fortunate enough to be able to make the announcement that the papaya fruit fly had been eradicated. I quite enjoyed doing that. Then we go through the black sigatoka.

I believe that our response to all those pests and diseases is not only adequate; it is excellent. We have the expertise, we have the know-how, we have the experience and we have the people ready to be able to strike at the earliest moment to ensure that we not only contain but also eradicate them. We have proved to be successful. This legislation gives us more powers to be able to control in an even better way any infestation that might become evident within Queensland.

I am not critical of AQIS, but I believe that over the years, unfortunately, AQIS had been run down. But the additional funds that the Commonwealth government has put into AQIS over the past couple of years is going a long way to assisting us, but nothing is perfect. With the increased movement around the world we have to be ever vigilant on our borders. We have to keep increasing the funding through the Commonwealth government for AQIS to ensure that fire ants and other exotic pests and diseases do not enter Queensland and Australia.

**Mr HORAN:** I want some clarity on inspectors and authorised persons because the previous clause was about the appointment of inspectors and authorised persons. What we are discussing here is the appointment of authorised persons, so I presume they have a different classification, a different position, and a role and responsibility different from that of inspectors. Do these authorised persons

have a limit to the responsibility that is endowed upon them as an authorised person, whereas an inspector has an enduring role and an authorised person is someone for just a particular role? Where it says that they have to be a Public Service officer or employee, would that preclude someone who is a consultant, because the minister said in his previous response that he could appoint horticulturists. I think the minister said he may be able to appoint a private consultant who had knowledge in the area. One of the guidelines for the appointment of an individual as an authorised person is 'only if the individual is a public service officer or employee'. So how could it be an outside consultant? That is one point.

The functions of the authorised persons are limited in the pest surveillance program as authorised in part 3, division 4. That, I presume, is what I was saying about being an authorised person—they have a limited role compared to an inspector.

In relation to the issue of having satisfactorily finished training, I make the comment that there is a need for some form of generic training. Regardless of the type of outbreak there are certain generic principles of isolation, quarantine and organisation and so forth that would be useful training for everybody. That might be very helpful in the event of some strange disease where suddenly specific training has to be provided to those people. As I said, I could envisage training almost having to be in the field, or good experienced people under supervision. It may restrict the chief executive a little to have that clause containing 'satisfactorily finished training approved by the chief executive'. There could well be cases where people might be three parts of the way through some specific training and the balance of it is under the direction of people in the field.

I want that clarification on inspectors versus authorised people and the issue of whether they have to be a Public Service officer which would mean that private consultants will not be able to then be brought into this position.

**Mr PALASZCZUK:** Inspectors have to be Department of Primary Industries personnel because they will enforce and use the powers under this piece of legislation. If we talk about a very large infestation where many people are required, as was the case with the citrus canker outbreak, we have to be able to get a lot of people into the field. If we cannot get all of them out of the department, we will then be able to go outside the field and bring in other people as authorised persons. That is the difference.

The inspectors have the powers and the authorised persons will then be able to come in and assist the inspectors to do the actual work. Let me give an example. An inspector, an entomologist, could be checking a tree for evidence of citrus canker and the authorised person could be working with the inspector taking the necessary notes and keeping a tally of the trees that do have citrus canker. So the inspector enforces the legislation; the authorised person, who could be a person outside the DPI, is there to assist.

**Mr HORAN:** Minister, I can understand that quite clearly, but this legislation does not allow that. This legislation quite clearly says that the authorised person can be appointed only if the individual is a Public Service officer or employee. Therefore, what the minister says he would like to do or want to do he cannot do. You cannot bring in an outside person, a consultant or someone who has the expertise to assist the inspector, because he can be appointed only if—I think 'only if' is exclusive—the person is a Public Service officer or employee.

**Mr PALASZCZUK:** Let me go back to my original answer when I spoke about regulations. These people will be able to be appointed under the prescribed regulation. If the member recalls, I spoke about the regulations under which different people will be able to be appointed. The authority to appoint those inspectors can be found under the prescribed regulation.

**Mr ROWELL:** Referring to the issue that the minister has raised, if that is the case why was it not put into the act? Why is it only public servants that are able to be prescribed persons? It seems an anomaly that it has been put into subordinate legislation. That is one point I want to make.

The other point is that not all incursions are the same; they vary considerably. You do not always use the same technique for one as you would use for the other. Very often a wide degree of knowledge is required. The government was not very successful in doing much in relation to the red banded mango caterpillar. There is a wide variation of circumstances that can prevail that do not necessarily follow the norm. Every time there is an incursion with, say, fire ants, the treatment is different compared to that for black sigatoka, moko—if we ever got the damn thing here—or the papaya fruit fly. So there is a wide variety of things that can happen. Specific expertise is needed to address each situation.

We were not particularly successful with the red banded mango caterpillar. Up at Somerset there were a few mango trees that were attacked by it. We dillydallied around with those mangoes. We can throw aspersions and mud at AQIS about what needs to be done at times, but I really think some stronger measures should have been taken by the DPI. I do not know who identified the problem and who decided what treatment was necessary. However, it is clear that at times there is a need for some very strong measures to be taken to ensure that we do not get these incursions spreading into areas of major significance.

I am familiar with what happened with the first instances of black sigatoka across the Daintree. They ploughed the whole lot of the damn things out. It was not just the DPI involved in it; it was the industry. The industry actually put a levy on themselves of some 10c per carton. They helped that chap out in the initial stages to eradicate the black sigatoka and eventually he did start growing bananas again. That was an organic farm, so he had some special circumstances.

All I am saying is that there is a wide variety of things that can happen and sometimes we dillydally around with the measures that we take and we probably do not treat pests in a proper manner to ensure that we get rid of them. That might be because we have got some hang-ups about green issues or other issues. What can happen is that we can get a spread of these pests and we have to set up road inspection stations and we have to have DPI inspectors, which is what happened at Laura to control this pest.

If the minister could put my mind at rest about what is intended to be done and the measures intended to be taken and the level of people involved in making decisions, I think that is particularly important.

**Mr PALASZCZUK:** We need to treat each pest incursion differently because we need different persons to be able to work on that pest incursion. The honourable member hit the nail right on the head when he spoke about different diseases and different insects requiring different expertise. That is what the prescribed regulation is all about: allowing the government to conscript people with the necessary expertise to be able to come in and assist in dealing with that pest incursion. I am speaking on the proposed legislation.

It spells it out very clearly in Division 2, 6D section (2) (ii), 'included in a class of individual declared under a regulation to be an approved class of individual for this section.' What that basically means is that you can get people who have the necessary expertise to be able to work on a particular pest incursion.

Clauses 5 and 6, as read, agreed to.

Clause 7—

**Mr HORAN** (3.59 p.m.): This clause is about business movement for an area. The bill describes pretty well what the movements are into, out of and within the area and so on. What about flea markets, for example, and the movement of material in markets? The bill does say that the movement has to be for trade or business if it happens before the plant comes into the possession of a consumer. Some things move about a bit. I am not sure where some of the market operators buy their material from.

For example, at some of the markets in Toowoomba I have often queried some people about fire ants, because those people have come from down below the range. Have they come from an area that does not have fire ants? It is that transfer of material and plants that provides the real risk.

In this issue of business movement in the area, which is pretty important to the control and management that the minister is trying to get, it is obviously very clear when it comes to a wholesale nursery. But in the case of wholesale nurseries selling to someone who might be regarded as a customer, but who then sells those plants at a market or a school fete, they could be seen as a consumer. I would like to know what happens there.

Also in terms of that business movement, the minister really is restricting himself to those bigger commercial transactions. There is always the issue of people having plants in the backyard. Today, people do not give plants to other people; they buy a hybrid mostly from a nursery or a grafted tree from a nursery. So generally speaking, it would be a commercial transaction. Where does the minister's control fit in when it comes to those markets?

I refer also to clause 60, titled 'Meaning of serious pest' and clause 6P, which refers to the declaration of a serious pest. This legislation has a schedule that lists serious pests and plants. Citrus canker is mentioned among them. The clause states—

The Minister may by gazette notice declare a pest to be a serious pest.

Also, the plant may be declared in this schedule in the legislation. I suppose when this legislation is passed, citrus canker will be listed as a serious pest. But if citrus canker was not included in the schedule, in three months from the time it was declared a pest, that declaration, which appears as a gazette notice, would simply lapse.

**Mr Palaszczyk** interjected.

**Mr HORAN:** I am presuming what would happen, when this legislation is passed today, is that that declaration will lapse.

**Mr Palaszczyk** interjected.

**Mr HORAN:** The notice is two months old. So that declaration will be overtaken by the listing of citrus canker in the schedule of this legislation.

**Mr Palaszczyk:** The regulation comes into place after the three months.



**Mr HORAN:** The minister has just explained about the regulation so that is in *Hansard*. There is that issue of the gazettal notice and the issue of markets, school fetes and so on selling citrus or plant material.

**Mr PALASZCZUK:** On the issue of the flea markets, could I reassure the honourable member and the other members of the House that as long as people put in a taxation return and they operate in the flea market as a business, they are governed by the terms of this legislation and they are part of it. If those people do not put in a tax return, quite obviously, if they are earning money they are breaking the law. So I cannot see these people missing out under this legislation.

In relation to the backyarders, in my reply I explained that in the Emerald district in particular, the Department of Primary Industries did surveillance in the backyards to make sure that we covered every single area.

Finally, in relation to the issue of the notice being given by the minister for three months, just last week I signed off on a regulation. It should come into force this week. That regulation continues the notice and that is indefinite until we can declare citrus canker as being eradicated.

**Mr ROWELL:** Clause 6P states—

The Minister may act under subsection (2) only if the Minister is satisfied on reasonable grounds—

and then it goes on to state the following reasonable ground—

(A) the pest, if not eradicated, would cause significant public losses.

In terms of an animal pest, currently there is an emergency animals disease response agreement. Under this agreement, the Commonwealth government and the state and territory governments as well as the industry stakeholders arrive at an agreed rapid response to exotic animals disease incursions. For example, if a category 1 disease such as rabies is diagnosed and an owner has an animal destroyed as a result of the disease declaration, the government will pay 100 per cent compensation.

We are seeing with plant diseases a slightly different scenario. The minister can correct me if I am wrong. I know that there well may be an intent, but I cannot see it in the legislation, to support those people who—and I am not going to say doing the wrong thing—have a property adjacent to a place that has attracted citrus canker. All of a sudden those people have a problem, too. So those people could be in the unfortunate position of having to have their plants destroyed, too. They could lose substantially out of it through no fault of their own, but just because they are situated adjacent to a property that has a major problem. While the minister might be able to go in and say, 'We will destroy all of your plants,' he probably does not understand that those citrus trees could take three years to four years, from the time that they are planted, to give a return. People could be four or five years down the track from planting those trees and just starting to get something off the damned things. All of a sudden, those people find out that, for whatever reason, their neighbour has this citrus canker that has gone across to their property.

I cannot see anything in this legislation that resolves this issue. If we are not very careful, this legislation may have the effect that, in the event of an outbreak of citrus canker that is transferred to an adjoining property, the people on that adjoining property may be very, very reluctant to say anything about something that looks suspicious, something that could be citrus canker, or something that could be some other pest or disease. The people on that adjoining property may be reluctant to go along to the DPI and say, 'I think that I have a problem.' They may try to sweep it under the carpet. They may try to control it through some way or another. They may be successful but, more importantly, they may not be successful.

The situation that occurred in Emerald was that all the trees were wiped out. Fortunately, they were isolated and, as I understand it, the trees on the neighbouring properties, which were some distance away, did not contract the problem. So everything worked out okay. But what would have happened if the adjoining properties were close and could have been contaminated by the property which had the trees infected with citrus canker that had to be destroyed and we cannot say definitely that it was the other property's fault?

It could have been an issue that developed anyway, but it is not likely because citrus canker is an exotic pest which is not endemic to Australia or Queensland. Therefore, an adjoining property can be unfortunate in that it is doing all of the right things—all of the controls possible to prevent any pest and disease—and still contract an exotic pest and disease because the neighbouring property has been the perpetrator of some problem. I will not go into it because of the current legal issues. However, the fact is that that person could be severely affected by the fact that this disease has come through no fault of his own and his trees have to be destroyed. It might be five or six years before he can use that land again, because there might have to be a quarantine time before trees can be planted on that land. So it could be six, seven or eight years before he can get into production again at some substantial cost.

**Mr DEPUTY SPEAKER** (Mr Fouras): Order! I remind the member that he has 10 minutes if he wants to go on longer, but now he has had five minutes and he can have another five minutes. He

cannot have it both ways. He is entitled to another five minutes, but I am just saying that he cannot go past five minutes and then call for another five minutes later. That is all I am saying. I have been very generous today, member for Hinchinbrook.

**Mr PALASZCZUK:** The honourable member is correct in saying that under the Exotic Diseases in Animals Act there is compensation, because that was worked out between the Commonwealth government and the state governments. That is enshrined under federal legislation and also our legislation. Currently, the states and the Commonwealth are working together on doing the same thing under Plant Health Australia for the industries that we are talking about now, including the citrus industry. Unfortunately, it is very difficult to come to a conclusion because there are so many diseases and so many pests in the plant industry and it involves so many small businesses. So many of those small businesses were involved in the citrus canker outbreak and were affected by the citrus canker outbreak.

Under the current legislation in this state, the Commonwealth and the other states, there is no compensation available for people who live next door who are affected by a citrus canker outbreak. If we take Evergreen farm in this case, there are a number of properties around there that have been badly affected. Some properties have been so badly affected that they have not been able to sell their produce. I accept what the honourable member is saying and I think he alluded to the only recourse that those people have, and that of course is through legal action. Unfortunately, that is the only recourse that is available to those people.

As far as Plant Health Australia is concerned, those negotiations are ongoing. However, I think it will take a while before we come to a national position on this issue. When we do, I believe it will be the same as the exotic diseases in animals legislation whereby industry contributes some of the funds and the states and the Commonwealth contribute other funds to pay the compensation. My understanding is that since 1989 there has been no compensation at all paid in Queensland under our current legislation when we were in government and also when the honourable member was the Minister for Primary Industries. So I cannot give the honourable member any joy in relation to the compensation issue, but I think I have explained as best I can the current situation that exists in terms of animal diseases, plant diseases and the issue of compensation.

**Mr ROWELL:** I have heard what the minister has had to say. I think the affected person's chances of succeeding through some form of legal recourse are absolutely Buckley's. Who are they going to sue for a start? How are they going to prove the situation? To suggest that is ludicrous. I do not think there is any value in that. They would be putting good money after bad if they did pursue that. They would have to have some very strong tangible evidence that, whoever the perpetrator was, they caused the unfortunate situation of infecting their property with some pest or disease which could end up seeing their whole crop destroyed.

I understand that compensation may be available if healthy plants have been destroyed as part of the removal of diseased trees. That is a bit of an enigma, too, because they would no longer be healthy plants if they had, say, citrus canker. What we are seeing from Plant Health Australia needs to be brushed up a little bit, because a healthy plant is one thing; it is no longer healthy if it has citrus canker. So I do not think that there is any likelihood in that situation of having any compensation paid.

There is another issue that I am very concerned about if we do not address it. Members who have contributed to this debate have very clearly made the point about the level of trade that is going on at present. Countries are making application for entry into Australia for their products. We could go through this issue ad infinitum. It does not matter whether it is apples or bananas, but inevitably we will see more and more problems. There is no question about that. As I said, some crops are only annual crops. There are some crops that are perennials and there are some crops that last for a number of years. As I have had some experience with tree crops, I can tell members that there is a long lead time. There is probably 10 years before there is a return on the investment. Therefore, they do not want to get wiped out because there has been a problem with exotic pests and diseases and then find that they cannot replant the crop because of quarantine issues. So there are some issues there.

More importantly, if we do not do something about this issue people will not report it. We spoke about early intervention before. If people do not report that there is a problem or suspect that there is something irregular about the crops that they are dealing with—it might be a citrus crop or any other type of crop—we will tend to get away from the prospects of eradication through early intervention. As a farmer, I am well aware of what people think. They hope that they can get away from the problem by doing spraying of some sort. Where it is citrus canker, they will probably use some fungicides. They will probably continue on that course of action for a couple of months, if not even a longer period. At the end of the day, they may find that whatever measures they are adopting are not successful. However, that increases the prospect of the spread of that particular pest. If there is some form of compensation, we can hit it early. Therefore, I can assure members that the cost to Australia and Queensland will be considerably less than the other option we are talking about now.

Whatever methods the minister uses to talk to the federal government—and I will certainly be talking to it, too—there is an absolute need to address this issue. I talked about the red-banded mango

caterpillar before. We were not very successful in getting rid of that little beastie. That could have caused the industry quite a lot of concern somewhere down the track mainly because we did not have the fortitude to do something about it in its earlier stages. That can apply to people who have properties. I know what happened up at Somerset. We could have done more there to get rid of that blasted thing straight off, but we dillydallied around with it. As a result, it started to come down the cape. We then needed to have roadblocks at Coen and so on to ensure that it did not get past that area.

All I can emphasise is that we must address issues that are important at the time and do something to encourage people to come in and say, 'We have something irregular, come and have a look at it.' If it is so important that it could cause very serious harm to the industry, the chances of our stemming these diseases will be less.

**Mr PALASZCZUK:** I think I have answered the honourable member in relation to the questions he posed previously and also the majority of issues he raises now. However, on the issue of the notification of a pest or a disease by a producer, I believe that the honourable member is correct. If we just go back to the example of the papaya fruit fly, the person who notified the Department of Primary Industries that he believed he had fruit fly was John Crawford.

**Mr Rowell:** That is right.

**Mr PALASZCZUK:** Before John Crawford notified the department, he had a bit of a natter with some of his fellow producers who urged him not to report it. When we finally declared Queensland papaya fruit fly free, I purposefully referred to John Crawford as a hero because he was a hero. By doing what he did, he enabled us to eradicate the papaya fruit fly. If we did not have the knowledge and information that he gave us, it would have spread like wildfire. We have to appeal to people's better judgment and we have to let the people know through education that there are severe penalties that could be inflicted on people if they do not declare.

The honourable member talks about compensation. If we have a look at the exotic diseases in animals, no compensation is available. The only compensation under the Stock Act and the Exotic Diseases in Animals Act is to pay for the death or destruction of diseased stock and other things in an emergency response on the basis of market value in accordance with the cost sharing deed of agreement. Compensation is not payable under the Stock Act and Exotic Diseases in Animals Act for consequential loss. It does not exist in that legislation and I do not believe it will exist under the proposed legislation that will come under Plant Health Australia. I believe that I have answered the honourable member's concerns and queries.

**Mr Rowell:** There is compensation paid.

**Mr PALASZCZUK:** When? The only compensation that I know of that has been paid are in two instances, both paid by the Commonwealth government. As the honourable member would know, one was for the sigatoka outbreak in organic bananas in the cape. That producer was paid compensation.

**Mr Rowell:** I was referring to animals.

**Mr PALASZCZUK:** I believe that I have given the honourable member my answer—that the compensation is not paid.

Clause 7, as read, agreed to.

Clauses 8 and 9, as read, agreed to.

Clause 10 —

**Mr HORAN** (4.23 p.m.): This clause relates to the pest quarantine area. Subsection 2A(c) states—

... may include a requirement for the cost of treatment or destruction performed by, or under the direction of, an inspector to be at the cost of the owners or the other person ...

I presume that if the inspector, for example, says, 'We want you to take a D10 in there and clear that area or cut those trees and spray them', the owner has to do that and bear the cost if so directed. Could the minister give some examples of who the other person would be. It may include requirements applying to any person who is not the owner of any land, plant, soil or appliance or anything else in the pest quarantine area. I presume that is, for example, supplying to a wholesale nursery that might be breeding the plants and sending them on to the particular property where the pest quarantine area has been applied. Can the minister explain that?

Could the minister also clarify subsection 2B, which talks about establishing two or more categories for areas. In the recent outbreak of citrus canker, what would be an example of two or more categories of the area? Does it mean that one part may be considered serious or high risk and another part may be considered low risk and a different set of rules would apply in that particular quarantine area? Could we have those three items clarified.

**Mr WELLINGTON:** I also wish to ask the minister a question in relation to subsection 2A, and in particular subsection (d) (ii) which states 'who is not otherwise associated with the pest quarantine area'. In my contribution to the debate on the bill, I actually read into *Hansard* a letter from some citrus growers

in my area. They are very concerned that the likely costs, fees and charges that they might have to meet could actually close them down and bring an end to many citrus growers on the Sunshine Coast. They are concerned about the ongoing fees and charges that they may have to meet.

Can the minister clarify what those likely fees and charges might be? I am led to believe that the proposal is that current charges are \$86.50 an hour for department representatives on weekends, and that includes additional travelling time and also time and a half for weekend work. My constituents are concerned about what those likely costs might be, particularly when they are outside the pest quarantine area. Can the minister clarify that please?

**Mr PALASZCZUK:** The honourable member for Toowoomba South raised a couple of issues. As an example, let us talk about Emerald and the Evergreen farm. A pest quarantine area notice was issued on Evergreen farm. If it was deemed necessary to even further restrict the activities on Evergreen farm by becoming even more active with treatments and so on, we could impose additional restriction on the farm. We did not do that but we could. We need that power to even further restrict what is actually occurring in the destruction of the plants on Evergreen farm. The honourable member for Nicklin talked about costs?

**Mr Wellington:** Costs.

**Mr PALASZCZUK:** We have waived current costs in relation to fees paid for three months. We will review that and if necessary we will be able to extend that even further to assist our growers. We will see what happens there. What was the first part of the question asked by the honourable member for Nicklin?

**Mr Wellington:** The two categories.

**Mr PALASZCZUK:** The best example is the fire ants. We have the whole state covered. Brisbane is a restricted area and inside Brisbane we have other areas that have further restrictions placed on movement and so on. There is a broader outlook and then we bring ourselves in to more restricted areas. Does that make sense? It does to me.

**Mr HORAN:** I thank the minister for that. I thought that would be the case. Basically, within the quarantine area there might be an intensive area and a less intensive area. I refer again to paragraphs (c) and (d) of proposed subsection (2A). The opposition has supported the bill. We know that there will be circumstances such as at Evergreen. Sometimes almost anything will have to be done to stop a particular disease or problem. Time might be of the essence because the virus, the bacteria or the spores might be windborne. Climate conditions come into it and so on.

I make the point that the power being provided by these paragraphs is pretty broad. Paragraph (c) states 'may include requirements for the cost of treatment or destruction performed by, or under the direction of, an inspector'—so it could be the department or outside contractors doing the destruction—to be at the cost of the owners or the other person'. It is broad enough to cover almost any person who has to do it. It could be the owner of the property, some person who has been a subcontractor on the property or someone who owns a wholesale nursery that supplied material to that particular property. It is pretty broad. In some ways I can see the need for it, but I would like the minister to comment on it. I think the member for Nicklin spoke about the concerns people have about the costs that could be imposed upon them for something that is not perhaps of their own making or of their own volition.

I will speak to other clauses that are relevant to compensation, but this is almost the opposite of compensation. This relates to the cost burden that people may have to bear because they have to do the destruction or someone other than the owner of the property may have to do the destruction. Subparagraph (d) (ii) even goes as far as to say 'who is not otherwise associated with the pest quarantine area'. Let us take this outbreak at Emerald as an example. There could have been a pest quarantine area at Emerald, and the minister would be in the position of applying costs to people who perhaps operated a wholesale nursery in Brisbane, New South Wales or maybe even overseas.

**Mr PALASZCZUK:** Everything the honourable member said is correct. The bill is amending the act to enable an inspector to treat or destroy infested plants where necessary to manage the risks of preventing, controlling or removing the infestation. In these circumstances under the act the owner may be required to bear the cost of treatment and destruction where the pest or situation is not covered by the cost sharing deed of agreement.

Basically, the answer to the question is as follows. If we talk about citrus canker, there is a cost sharing deed of agreement between the Commonwealth and state governments, with that money being available. We pick up the tab for destroying the trees on the infested property. If we do not have a deed of agreement, if it is only localised, the onus is then on the person who owns the property to pay for the destruction of the plants—

**Mr Horan** interjected.

**Mr PALASZCZUK:** Or someone else. That is right.

**Mr HORAN:** I would be interested to know the circumstances of someone outside the quarantine area who could be liable for the costs. There must be an example that would explain that—for example,

someone has citrus canker on a property and tracing the business documents that we discussed in relation to a previous clause leads back to a particular nursery, say, in Brisbane that may have grown the product some two or three years earlier. Is that the sort of thing the minister is trying to cover by having this capability in the clause?

**Mr PALASZCZUK:** It has to be within the plant quarantine area. We could talk about transport operators or people of that type who work in with the person who is involved in the destruction of the plants.

**Mr Horan:** It does not have to be in the plant quarantine area? These people could be from outside?

**Mr PALASZCZUK:** It has to be within the plant quarantine area.

**Mr Horan:** The actual problem in the area, but the person—

**Mr PALASZCZUK:** We are talking about the plant quarantine area as a defined area.

**Mr WELLINGTON:** I thank the minister for clarifying his answer to my question about clause 10 which referred to proposed subsection (2A) (d) (ii) in relation to who is not otherwise associated with the pest quarantine area. When does the minister anticipate that he will consider continuing to waive the inspection costs for the growers on the Sunshine Coast who are very concerned about the likelihood that in the near future they may have to meet these new fees and charges?

I also refer to proposed subsection (7), which states—

An inspector may give a direction, or may take an action, if the direction or action is necessary or convenient to ensure a person complies with, or to allow a person to be exempted from ...

It then goes on with paragraphs (a), (b) and (c). What are the guidelines the inspectors have to meet before they exercise their discretion or give a direction? The word 'may' is very wide. It is not saying that inspectors 'shall' do something. It states that an inspector may give a direction or may take an action. I am seeking some clarification as to the issues the inspector has to turn his or her mind to and whether they have to make notes. What considerations do they have to take into account before they make a decision and give a direction?

**Mr PALASZCZUK:** In relation to the first question the honourable member raised about the waiving of fees, we have already waived the fees for an additional couple of months and, if need be, will reconsider them in the middle of November, when the current extension ends.

In relation to the other issue, section 6 should answer the honourable member's question because it uses the same terminology. The exemptions are basically through an inspector's approval.

**Mr ROWELL:** I refer to areas which are thousands of kilometres away. Citrus canker was found at Emerald. One thousand kilometres north are the tablelands and so on. We are probably as far away from citrus canker as some other states of Australia. Why was there a need to actually treat that fruit, even though it was almost in an area that was never regarded as having citrus canker? Why could that area not have been declared citrus canker free?

Why could we have not simply said that area definitely does not have any citrus canker? People then would not have had the problems of dipping it in chlorine. Why could we not get agreement for those areas that supply fruit without going through excessive costs as far as dipping or processing to ensure that there was not any citrus canker when there was not any anyway? It was 1,200 kilometres away from the outbreak. Some of these people have come to me and have said, 'We are growing a range of crops.' Pomelos was one instance where this chap had to wait some time before he could supply markets. Then there were others who said, 'Why do we have to dip them in chlorine?' Why could we not stitch up agreements where there was no question about these areas being free as far as citrus canker is concerned?

**Mr PALASZCZUK:** I totally agree with the honourable member's sentiments. We tried as best we could to exempt those areas because the honourable member is correct. If we look at the citrus growing areas of Victoria, they are closer to the Gayndah-Mundubbera area than the Atherton Tablelands. We tried that. We tried as best we could, but, under the national arrangements, under the national management group, unfortunately the only way we could gain entry for our product into the southern states was to go according to their guidelines. I must add that industry which was part and parcel of the national management group also agreed, albeit reluctantly, to the arrangements that were finally entered into. But let me just say we tried and we tried and we tried to mount the same argument that the honourable member has mounted in this House just now.

Clause 10, as read, agreed to.

Clause 11—

**Mr HORAN** (4.42 p.m.): I think the minister mentioned in his summing up that the clauses relating to compensation would be this clause—clause 11—and clause 14. This clause is about designated decisions: they are final and conclusive. I think I am correct in saying the reason for this is to stop having any injunctions or reviews and so forth so that we can deal with the urgency of the problem for the better

good of the nation or the state. We have supported that in the debate. Under this proposed section a person—

... may not bring a proceeding for an injunction, or for any writ, declaration or other order, to stop or otherwise restrain the performance of a designated act.

It goes on to state—

This section does not stop a person from bringing a proceeding to recover damages for loss or damage caused by—

- (a) a negligent act or omission in the performance of a designated act; or
- (b) an unlawful act.

In other words, if people felt the department or an agent of the department did something in a negligent way, they still have the right after the event to go to court to sue and use their best endeavours to recover funds.

This brings me back to the issue of compensation. I think my colleague the member for Hinchinbrook is very right in saying that compensation does apply in other acts to do with livestock—not consequential compensation but compensation for the loss of particular livestock. I am thinking, for example, of the brucellosis campaign, which I think was a federal campaign. Dairy farmers had to have their cows tested and if they tested positive had to have them put down. They were paid compensation at market value. I think under the exotic diseases act and the Stock Act there is compensation for when particular animals have to be destroyed. I think I would be right in saying that, if a particular disease were found and it was necessary to slaughter 100 animals, compensation would be paid at market value. The minister mentioned the term 'market value'. That is nothing to do with consequential loss; it is the loss of those particular animals.

When debating clause 14 I want to deal with healthy plants that have to be destroyed, but under this clause I am dealing with a place where a disease has been identified. I guess what we are really talking about is a quarantined area which will capture those trees—I am using trees as an example—that are diseased. It will affect trees within a 600-metre radius of every diseased tree. That will no doubt capture healthy trees on that particular property, but if there were diseased trees near the boundary a 600-metre radius may well take in one, two or more neighbouring properties.

In expansive areas such as Emerald, where I guess this legislation had its birth, you are not likely to catch so many other properties. However, the member for Nicklin spoke in this debate of people with smaller properties—perhaps 10 hectares each—where a 600-metre radius could capture a lot of people and could cause some very serious problems, and for some of them through absolutely no fault of their own. They have done everything spot on, they have no diseases on their place, but they are caught within the 600-metre radius and therefore will suffer serious loss. Something like that could be considered a natural disaster. If people are hit by a cyclone and it wipes out a quarter of their crop, often times money is put forward because it was a natural disaster and it may take those people years to recover. It was caused through no fault of their own. It is probably just straightforward humanitarian care for them, their family and the district.

It may well be that the minister did not want the issue of compensation to be in this bill. It may well be something for another bill, because in this bill there was an urgency to address the issue of finding the problem, cutting out the diseased area and so on. There will be a need for the issue of compensation to be addressed in a practical and a fair way. At times it might be outside the capacity of the state, but compensation has to be a state and federal issue. It may not be possible to have consequential compensation but instead an immediate hit so that people can overcome it and replant.

I think the point made by the member for Hinchinbrook is very important. He spoke about the farmer who came forward and mentioned the issue of the papaya fruit fly. I endorse the minister's sentiments of his courage and it being in the national interest. It could well be a temptation, however, for someone to say, 'I am not sure what that is but I will just get the chainsaw out, knock that tree down and another 10 trees around it, spray all the others and we will be saved the multimillion-dollar cost that might be incurred. We will fix it ourselves.' It may not be fixable by them because it might be windborne and it could be worse than that.

I think there is an issue to do with compensation to ensure that people are not terrified to come forward with issues. We only have to look at what happened in Great Britain with mad cow disease. So many people were caught partly because they did not have a proper trace-back system. Innocent, disease free, healthy herds were slaughtered everywhere. Imagine the slaughter that occurred.

It has probably made a lot of people fearful of reporting illnesses and disease. They are probably more prepared to put something down and bury it in a trench. We do not want to see that. I think some modest form of compensation is practical and sensible, which provides some help to get people through difficult circumstances. I would not think that the state would be in a position, in massive outbreaks, to be able to handle everything, but would try and help people through difficult circumstances so they can recover in the next season or the season after that. I do want to make those comments about the importance of compensation, and for it to be fully considered in the very near future in some subsequent legislation to be brought to the House.

**Mr PALASZCZUK:** The first issue I want to address is the issue of the 600 metre area. Under the quarantine notice every plant within that 600 metre zone is deemed to have been infested. It is deemed as an infected plant under the quarantine order. That is according to the Florida protocols as well.

**Mr Horan** interjected.

**Mr PALASZCZUK:** Yes, that is right. On the issue of consequential compensation, I am sorry, presently the cost-sharing arrangements do not provide for compensation but, as I mentioned earlier, when we do have a deed of agreement finally brokered by Plant Health Australia we will know then what, if any, compensation will be available and what we need to legislate in relation to that.

Let us just have a look at the citrus canker infestation and talk about consequential compensation. Let me inform the House how difficult it would be. Looking at the citrus canker outbreak, we say it is arguable that every person in Queensland who was involved in the production, packing, transport and marketing of host plants of canker and fruit of canker host plants would have suffered a consequential loss to a greater or lesser degree because of the movement restrictions in respect of the pest quarantine area, and the movement restrictions in the non-quarantined area of the state imposed under area freedom accreditation can be achieved. Members can see there are many people who will suffer consequential losses as a result of the citrus canker infestation. It is very, very difficult to define. At the end of the day, what we really need to do is to get a national agreement on compensation. Unfortunately, that has not been effected as of today.

**Mrs PRATT:** Minister, I may have missed something here, but I have constituents in my area who are on very small acreages, as was mentioned by others. There is a particular person who is a lime grower. He only picks on a Sunday for the markets on Monday. That is the case around all my area. He has to have an inspector there for the dip every time and, being a Sunday, there is the ultimate extra cost, et cetera. According to the email that I received from him, the inspector told my constituent that, 'For the amount of fruit you send you couldn't afford me.' That will mean that this particular constituent will have to pull out all his trees. A lot of my other constituents are in the same situation. Is it possible to look at some sort of accreditation for their chlorine dips so they do not have to continually be bringing in an inspector every time, making it a random kind of inspection that the inspector could do?

**Mr PALASZCZUK:** I have just been informed by my staff that we have received correspondence from you in relation to this issue.

**Mrs Pratt** interjected.

**Mr PALASZCZUK:** My understanding, on reading about the matter, is that there is no cost for the work that is done by the inspector. I have just been informed that the information that the honourable member has is incorrect. She can correct me if I am wrong, but I will be communicating with the honourable member and the person concerned very quickly. If the honourable member has other information, please let me know, and let me know if I am incorrect.

**Mrs PRATT:** I do not want to say that the minister is incorrect because I cannot really say that, but the inspector who spoke to my constituent is obviously on the wrong track because he is saying that the gentleman cannot afford him.

**Mr PALASZCZUK:** No, there is no inspection cost, and I will put that in writing to the honourable member. I will get that on the record.

**Mr ROWELL:** Referring to this issue of compensation, it is quite complex, there is little question about that, if it is to be pursued. It can only be for the serious pest, where there has to be annihilation or something serious has to happen. In some instances it does not actually mean that if the people have a serious pest problem they are going to lose all the plant. I am referring to all the plant because there is a variation in plants. As I have said, some are perennials, some are annuals and some probably only go for four or five years.

What we need to be looking at is the complexity of what is involved if something serious like citrus canker happens to a particular crop that takes a fair amount of time to mature before people get a return on their investment, compared to an annual plant which can simply be ploughed out, or to plants like bananas or sugar cane, et cetera, which probably only last four or five years. There are some complexities in it, there is little question about that.

A specified list of diseases and exotic pests has to be addressed. As we are seeing here, it could be fungal diseases, insects or a whole range of things. It is pretty much horses for courses in the way we need to address the issue. The most serious case that I have seen is where a perennial plant has to be annihilated, gotten rid of or eradicated, and it will take some time before the people will start to get a return. It could even be that people are not able to plant on the area for a number of years as well. All those issues have to be taken into account.

I can understand—and I have to say this seriously to the minister—why it probably was not pushed as quickly as it was in this particular case. I am only guessing some of the reasons which may have occurred, but I do not want to elaborate on it. I am saying quite seriously that the minister needs to look at how people go about some aspects of giving support. We can talk about compensation or we

can talk about the losses that occurred to a person and what it really means to them because they can be wide and varied in accordance to the pest that we are dealing with and in accordance with the type of plant that we are dealing with. It could be a nursery person or it could be a person at the other end of the register who takes some time before he gets any return on the particular plant that he is dealing with. When those issues are addressed they need to be taken into account.

There is room for the federal government, the state government and the industry to be involved. I have seen in the past that a number of industries have chipped in and have levied themselves voluntarily—even before the time that they could have done it on a compulsory basis—to get around a problem. I talk about encouraging people to do certain things. A big stick can be taken to people continually and they can be penalised for not doing something, whereas the situation can also be turned around by some voluntary process. People know that the problem could be exacerbated and that it could be a serious issue for an industry if they do not take heed of that fact. Yes, there will be problems that will not go away easily and that will be very costly to the country. It will be costly not just to the individual but to the industry in general.

What I am saying to the minister is that while I do not recognise anything in the bill that talks about compensation, I think we should pursue it. There are a number of ways it needs to be pursued in accordance with what the particular issue is at the time and the type of plant that is being dealt with. I would like the minister to take that on board.

**Mr WELLINGTON:** I take the minister to clause 11(4) where it says—

This section does not stop a person from bringing a proceedings to recover damages for loss or damage caused by—

It then lists a ranges of instances. My question to the minister is: what support will the department provide to a member of the public or to a fruit grower if they are intending to take action against someone under this provision? I understand that at the moment if a solicitor wants to get some advice or get some comment from a public servant they have to subpoena that public servant to go to court. I am looking for clarification as to how supportive the department and this government will be in assisting these farmers and members of the Queensland community in taking action to recover damages for loss which they have incurred.

**Mr PALASZCZUK:** As far as this ouster is concerned, basically, it gives a person the right to sue for loss or damage caused by a negligent act or omission in the performance of a designated act or an unlawful act. That could be by the department itself. We are allowing people the opportunity to take action against the department if they believe that they have been badly treated by the department. Basically, that is what that clause is about.

**Mr HORAN:** Minister, I refer you to the part dealing with designated decision and direct instruction. I have read through the instructions about destroying plants and further down where it refers to host material and soil that is likely to be the means of spreading a pest.

Harking back to the issue of fire ants, the minister has obviously had adequate arrangements in place to deal with the problem of fire ants. However, will designated decisions and direct instructions provide a stronger way of dealing with the fire ant issue? Will the minister be using these to deal with the fire ant issue or some other way, because it does seem to be relevant to the fire ant issue?

**Mr PALASZCZUK:** This is all in relation to ousters, as I explained to the honourable member for Nicklin. This deals with the department; it does not deal with people. Those sections give a person who believes that they have been badly treated by an order issued by the department the opportunity to take the department to court.

Clause 11, as read, agreed to.

Clause 12—

**Mr HORAN** (5.03 p.m.): Subclause (7) deals with a direction given under subclause (5). The inspector may recover the cost of performing the action from the person to whom the direction is given as a debt owing to the state. I wonder why that is included. It is covered, and it has been debated, in the previous clause dealing with pest quarantine areas. It stated that it may include requirements for the cost of treatment or destruction to be at the cost of the owners or other people. That is covered in that pest quarantine area.

Are these special powers something else other than the destruction of plants or the activity ordered in that pest quarantine area? I wonder whether there is anything about these special powers that the minister should tell us that is over and above those pest quarantine areas. Will it add another possible cost to people who are caught in it?

**Mr PALASZCZUK:** There is quite a simple explanation. It gives us power to act against a person outside a pest quarantine area.

**Mr HORAN:** When we spoke earlier about a wholesale nursery, for example, would that be the sort of case here? I just want an example of who would be outside the pest quarantine area and who could be responsible for incurring a debt to the state.



**Mr PALASZCZUK:** It could be a nursery.

**Mr HORAN:** You are saying that it could be a nursery.

**Mr PALASZCZUK:** Sprays.

**Mr HORAN:** For example, a spray has malfunctioned, has not been quality assured and has caused particular problems to fruit. Basically, all the bases are covered if someone outside the area has done something wrong?

**Mr PALASZCZUK:** That is right.

**Mr WELLINGTON:** Minister, subclause (7) refers to 'the inspector may recover the cost'. Can the Minister please clarify the parameters? What issues do the inspectors have to consider when exercising their discretion to recover the costs as a debt owing to the state? I am looking for some examples as to when an inspector will exercise his or her discretion to recover costs as a debt owing to the state. What are some examples? What are the range of issues where an inspector may or may not recover them as a debt owing to the state? How will the growers and Queenslanders know the criteria an inspector has to meet before deciding that it is a debt owing to the state?

**Mr PALASZCZUK:** The inspector is just an instrument for carrying out the direction and the discretion is given to him by his appointment to that position. The discretion rests with the inspector. It is in the bill.

**Mr WELLINGTON:** I know an inspector has a discretion and I know it is made clear in the act that it can be done. I am looking for some guidance. Assume that someone has done the wrong thing and they are very apologetic and say they will never do it again; it was just an oversight. Even consider someone who has blatantly done the wrong thing. I am asking for clarification. If someone has intentionally done the wrong thing, yes, by crikey, we should recover it as a debt owing to the state. However, if it is an oversight or it is unintentional and they have apologised, I am hoping that it is not the intent of this legislation for the inspector to ask that person to pay it as a debt owing to the state.

**Mr PALASZCZUK:** I am sorry, honourable member for Nicklin, but it does not matter whether or not a person apologises—that is irrelevant. The inspector will have to exercise his discretion, but as a last resort—as a last resort—provided there is no deed of agreement, or whatever, in place. It is a last resort. Does the member understand what I am saying?

**Mr WELLINGTON:** Yes.

Clause 12, as read, agreed to.

Clause 13—

**Mr HORAN** (5.08 p.m.): Minister, this clause is about destruction of a healthy crop. In a previous answer, the minister mentioned that in the containment of citrus canker, where a tree is discovered with canker, everything within a 600 metre radius around that tree is considered to be diseased. Within that 600 metre circle is not what I would consider to be healthy trees, but under the minister's interpretation or regulations they are considered to be diseased. Under what the minister calls the Florida protocols, they are considered to be diseased trees.

For example, under the Florida protocols, all of those trees in that 600-metre radius are considered to be diseased; they are not considered healthy. So in the case of citrus canker, we are obviously talking about trees outside the circle. This can have some serious implications for people. It is a big issue to take 600-metre radius chunks of land. We are talking about taking other plants that are outside of that area. I do not feel very comfortable about this. Is the minister saying that there are circumstances whereby he might feel that he needs to go outside of that radius for reasons of pathology or horticultural advice? Again, this brings up the issue of compensation. Whilst the radius might or might not go over a boundary fence, it could certainly mean that the DPI officers might believe that they need to go another 200 metres or 300 metres because of westerly winds that might blow the spores or something like that. Then people lose vast areas of trees. At the very minimum, there needs to be some consideration of compensation for that, because there could be innocent people next door.

We talked about those smaller areas like the Sunshine Coast where people grow specialty crops. The member for Nanango spoke about limes—those sorts of specialty crops that are not grown on broadacre, but small, specialty, niche market type crops. Those growers could well come under this provision and virtually have their living or their business wiped out. I would like the minister to give some reasons why he has to go outside this 600-metre radius. What are the reasons for healthy crops to be destroyed outside of particular disease prevention protocols?

**Mr PALASZCZUK:** If we just keep on the citrus canker tack, under the Florida protocols, the honourable member is correct: all trees within a 600-metre radius were deemed to have been infected. So they were not liable to compensation.

The honourable member raised a legitimate concern about healthy trees outside that area. In relation to the citrus canker outbreak, no trees outside the 600-metre radius were destroyed. But the honourable member referred to prevailing winds and so on. I refer to the neighbour to Evergreen farm,

2PH. Let us say that 2PH had to destroy a buffer area of around about 200 metres or 300 metres of trees. Under section 14 of our act, at the discretion of the CEO, compensation could be payable for the destruction of the healthy trees in that buffer zone. That is basically what this is all about. The member should look at section 14.

**Mr HORAN:** So the minister is saying that compensation is payable in certain circumstances?

**Mr Palaszczuk:** Only for healthy plants.

**Mr HORAN:** For healthy plants. I will stick to the citrus canker example. The Florida protocols say that there should be a 600-metre radius. If there is one infected tree in that area, everything in that area is deemed to be unhealthy and no compensation applies. If you go outside the 600 metres to make a buffer zone or an adjoining area, then compensation applies.

That is fairly interesting. I think that is a little bit at odds with what was debated earlier when the minister said that, basically, there is no compensation in the area of plants and plant diseases. But apparently there is and much of it depends upon the protocols, or the buffer zone. In another crop, it might be that there should be a 20-metre radius and plants outside of that radius would be considered healthy.

So really, when talking about compensation, in the protocol area, no compensation is applicable. But outside of that area, compensation is payable. So that will have to be met down the track. I think it is fair that those people are getting compensation. If someone has healthy plants, they are entitled to compensation. But there is still this issue of those who have their plants classified as being unhealthy simply because they come within that radius of maybe one infected plant. That radius may go over the fence. If it was not the fault of the person whose plants may have the disease—there is no way that they have done anything wrong or illegal—they really are the victim of a natural disaster. In that particular case, I still think that there is a need for compensation to be considered.

**Mrs PRATT:** The minister talked very much about people having to put up a buffer zone. The member for Toowoomba South said, in that case, it should be possible for people to get compensation. I want to refer to the situation in which people are a long, long way away from that quarantine zone. If as a result of protocols that are put in place because of this quarantine zone—and if the government cannot continue this cost-free business after October or November—these niche markets are forced to get rid of their healthy trees and go out of business, are they entitled to any compensation?

**Mr PALASZCZUK:** No. When we talk about compensation—and this is in rare cases—it is basically in relation to healthy plants that have to be destroyed as a result of an order given by the government, not as a result of the destruction of plants by the owner of the property.

**Mr ROWELL:** This whole issue is pretty complex, because it depends on the pests and diseases. A fungal disease can be windborne and, in that case, a 600-metre radius might not mean a heck of a lot. It might be that for 300 metres on one side of a person's property, that person is very prone to having a problem with a fungal disease, or it could be half a kilometre. For want of a better term, the situation might go pear-shaped, mainly because of the wind direction.

I think that the minister has created a bit of an enigma by talking about a 600-metres radius. A 600-metre radius does not necessarily cover all aspects of disease control. I know that, in the case of the papaya fruit fly outbreak, the radius was 50 kilometres. It started at 80 kilometres and went back to 50 kilometres. So if we are talking about healthy trees, it is not quite the same issue. That is why I am saying that there is such a wide variation in terms of trying to decide whether compensation should be payable.

The minister has a major issue that he has not really identified, yet he has put something in the legislation that really does not truly demonstrate what effect a disease outbreak has on a property. If a healthy plant has to be taken out, who decides where that buffer area should be? Is the minister just going to talk about 600 metres or is he going to talk about the areas that could be prone to the spread of disease and the different range of pests and diseases that might infect a crop? That disease might be windborne, or it could be created from bacteria that exists in the water.

Citrus canker really is a bacteria. It is not so much a wind-carried type of disease. However, in some respects it may well be. I am just saying that there are various issues. When we talk about the destruction of healthy crops, somebody is going to make a determination on where that area starts and finishes. That is pretty difficult until we address the problem of the particular plant or the particular disease and who is going to make a determination. Unless we do that, just putting an area of 600 metres down does not identify where the problem might start and where it might finish. It is just a catch-all situation as I see it which largely does not address where the problem may lie. As I said before, an adjoining property holder's land may be affected through no fault of their own because it is in, say, the wind path of a fungal problem or may be in a draining area where water flows on to his property from an adjacent property. Therefore, there are problems that really are not addressed in this legislation. I want to ask the minister just how he intends to go about addressing these issues, because just putting a limitation on what is considered to be usual for a citrus canker issue may not necessarily follow for a whole range of various pests and diseases.

**Mr PALASZCZUK:** The honourable member is correct in what he is saying. Let us look at black sigatoka. What was the plant quarantine area for black sigatoka? It was 50 kilometres. That is different to the 600 metres for citrus canker. It would be different for another pest or disease. So there are different areas for different plant or pest diseases. Let me just address this issue of compensation. I refer honourable members to clause 14 on page 20. The act states at section 14(2)—

If a crop or part thereof is destroyed in compliance with directions given under subsection (1)—

which of course talks about healthy plants—

the owner thereof shall be entitled to compensation under, subject to and in accordance with this section, and the owner shall not be otherwise entitled to compensation.

It goes on to state—

If a crop or part thereof is destroyed in compliance with directions given under subsection (1), the owner thereof shall be entitled to such compensation as the owner and the chief executive may mutually agree upon.

That is the destruction of healthy plants. I might add, honourable members, that when the owners of Evergreen went to court they tried to get the court to agree that the destruction of their plants should be under section 14 and not under section 11. That was the battle that we fought out in the courtroom in Brisbane. So compensation is available for healthy plants. The honourable member was correct in everything that he said about different quarantine areas for different crops and different plants and diseases.

**Mr ROWELL:** Under this particular rule, what the minister is saying is that, if in the event we got black sigatoka in the banana industry again and we decided that 50 kilometres or whatever was going to be the quarantine area, to actually stop black sigatoka compensation will be paid for all of those bananas that it is decided to destroy within 50 kilometres of the infected—

**Mr Palaszcuk** interjected.

**Mr ROWELL:** No, outside the infected area.

**Mr Palaszcuk:** If they are ordered to be destroyed, yes.

**Mr ROWELL:** If they are ordered to be destroyed. What is the likelihood of that occurring? That will be an enormous amount. There is little question about that. Yet we are not prepared to pay compensation where a problem may start in the earlier stages. We are quibbling about that. We are prepared to pay compensation for healthy plants 50 kilometres outside the infected area or outside the quarantine area. I will get the terminology correct. Is that right?

**Mr Palaszcuk:** Yes.

**Mr ROWELL:** That is right, and the government will be paying that?

**Mr Palaszcuk:** No.

**Mr ROWELL:** Who is going to pay it?

**A government member** interjected.

**Mr ROWELL:** No, never mind about who is suffering. I just want to clarify this situation. We are talking about a quarantine area. If it is 50 kilometres outside that quarantine area in terms of healthy plants that are not infected, they are in the quarantine area. For any area beyond that where it is decided that they need to be destroyed, compensation will be paid. Is that right?

**Mr Palaszcuk:** Yes, but if there is a reason for destroying the plants—

**Mr ROWELL:** To stop the spread of it, because it is a windborne disease.

**Mr Palaszcuk:** And compensation will be payable. But why would you want to destroy them outside the 50-kilometre area?

**Mr ROWELL:** Well, why would you? It is in the legislation. That is the point that we are making. It is in the legislation.

**Mr Palaszcuk:** That is provided—

**Mr ROWELL:** The government is saying quite clearly in the legislation that if it is outside the area and healthy plants have to be destroyed, then compensation will be paid. However, compensation will not be paid within that area, even though it might only be a quarter of a hectare or something of that nature.

**Mr HORAN:** I think we should clarify this point. It is not about quarantine areas; it is about protocols within a quarantine area. For example, with the Emerald situation there was a quarantine area all over Emerald and Mundubbera initially. I would ask the minister to confirm this: is he saying that there is no compensation within the protocol of destruction? He mentioned in particular the Florida protocols, which is a system of 600-metre radiuses around any infected tree. So as a result of that protocol, we then designate all of those trees as unhealthy. Once they are designated as unhealthy, compensation is not payable. However, it could be outside that 600-metre radius in the quarantine area. If they were ordered to be destroyed, then compensation would be payable.

**Mr Palaszczuk:** That's it.

**Mr HORAN:** That is quite clear, but I still think we need to look at the situation of trees that have to be destroyed anyway, because it is a massive loss to people. As I said, I think there needs to be further legislation to look at that because that could be disastrous. No doubt compensation could not be paid if people had done the wrong thing or brought in material or done anything like that that contributed to this thing happening. That would have to be a given.

**Mr Palaszczuk:** You've got to prove it.

**Mr HORAN:** That is right. But if through no fault of their own this disease has appeared and they are in a circle, then I think we have to look at that in the future because that just wipes people out.

Clause 13, as read, agreed to.

Clauses 14 to 16, as read, agreed to.

Clause 17—

**Mr HORAN** (5.28 p.m.): Minister, this requires two notices which seems a bit strange—one for the land and one for the crop. The notice for land has to give the genus and variety, when the crop was planted on the land, the source of the crop plant and so on. The other one is really for harvested crops. I am trying to understand why there is the need for that sort of a notice for the harvested crop as well as for the grown crop, or whether it is a different circumstance where that occurs and it is post the growing of a plant and post the harvest.

One aspect is why the two notices are required, giving the same or similar details for the grown crop and for the harvested crop. Finally, subclause (7) and (8) state—

It is not a reasonable excuse for a person to fail to comply with an information notice under this section that complying with the notice might incriminate the person.

(8) If the individual complies with an information notice, evidence of, or evidence directly or indirectly derived from, the information given that might tend to incriminate the individual is not admissible in evidence against the individual in a civil or criminal proceedings ...

Therefore, as long as they provide the information that is required, they are immune from any proceeding against them in a civil or a criminal court, other than if there has been a falsity or the information that is given is misleading. Can the minister confirm that, if correct information is given, they will get an immunity from any criminal or civil offence? In other words, even if they have done the wrong thing in acquiring the crop, they have an immunity. If someone imported something illegally from overseas and they give the information, does that give them immunity from any further prosecution if they own up to what they have done and give that on the information notice?

**Mr PALASZCZUK:** I can address the first part of the honourable member's question quite easily. When we talk about the land and the crops, some pests are found in the soil. They are soil borne. Others are found in tree crops.

In relation to the second issue that the honourable member raised, there is no immunity at all. Subclauses (7) and (8) do not mean immunity. Subclause (8) means that the information truthfully provided to the department cannot be used by the department in an action against the person.

**Mr HORAN:** I see what the minister means. There is no immunity and it is not admissible. Therefore, if someone had done the wrong thing and imported some material illegally and then provided the department with that information on this notice, the department would treat that information confidentially and could not use it against that person. I can see that it is not giving them immunity from any prosecution, but the only other people who will prosecute them are AQIS or the Commonwealth—

**Mr Palaszczuk:** We are obliged to pass that information to AQIS, because it is a breach of the federal act.

**Mr HORAN:** The minister has just said that he is obliged to pass that information on to AQIS, so it is not much of a prosecution.

**Mr Palaszczuk:** In one particular instance we are talking about exotic plants—

**Mr HORAN:** I am not taking the side of the people who do things illegally. I am looking at the technicalities of what is in the bill. Let us say that an individual complies and truthfully answers that information notice and says, for example, that they have this material from overseas when they should not have. The minister says that that cannot be used as evidence against them. However, he has also said that the department is obliged to pass it on to AQIS and no doubt AQIS will prosecute them anyway, so they are gone. This protection of them is not worth—

**Mr PALASZCZUK:** No. For instance, if a person admits to a DPI officer that he illegally imported plant material, there is no chance there. He goes straight to the federal authorities and it is up to them because it is a breach of their act. That is the difference that I am trying to explain to the honourable member. However, let us talk about the local area and paperwork in relation to trace forward or trace back. If that information is supplied to us honestly, we cannot use that information in a proceeding against that person because that person has provided that information truthfully.

**Mr HORAN:** I think I can see what the minister is talking about. If someone has imported something illegally, ideally we want them to own up because that is how we find out what it is, where it has come from and how to deal with it. I can see it is a dilemma. We do not want to condone that act or allow people immunity because then they would think that they can get away with it. The legislation is really aimed at someone who may have broken a local regulation when shifting dirt or something like that, and that comes under the department's jurisdiction. Because they have given the correct information, the department no longer takes civil or criminal action against them.

**Mr PALASZCZUK:** We can take civil action against them, but we cannot use the information that they have provided against them.

**Mr ROWELL:** I know what the minister is trying to achieve with this, but to a large degree it is letting off the hook the people who try to flout the system. I know what is involved in bringing in material from overseas. The process is quite extensive and the DPI does an excellent job. The material is brought into the quarantine area where the DPI looks after it for nine months. They gas and probably kill two-thirds of what is brought in.

This says that if a person does import material illegally without going through the necessary treatment process we will not come down too tough on them.

**Mr Horan:** We can report them to AQIS.

**Mr ROWELL:** Never mind about that. My point is that I know what is involved and I can assure the House that the treatment of plants that are brought into Australia is pretty tough, and for the most part it does kill them. It is as simple as that. They are treated with methyl bromide and, as a result, a lot of the plants die.

I think it would have been better if the legislation simply said that in the event that somebody is caught—for want of a better term—bringing material into Australia, despite the charges that are levelled at them, the information that has been provided has to be taken into consideration, even if somebody else dubs them in. Perhaps that other person also uses the material. In my opinion, knowing the difficulties that people have when bringing material into Australia, this legislation is a little too open-ended. To do things legally, the material has to be declared, it costs money and it has to be treated. On the other hand, it seems as if, to a large degree, people who do the wrong thing will be let off the hook if they make a decision to own up. I had hoped that the minister would have made it a little tougher on those people.

I suppose the minister will say that if it was not done this way then people would not come forward when something goes wrong. If things do not go wrong, we do not hear about them; it is as simple as that. We only hear about the problems that develop as a result of illegal material coming in, and unfortunately it comes in quite regularly. That is what happened in relation to some issues that we were talking about, although I do not want to go into any great detail about that. I am only surmising that that may have been the case. Somehow or other we must come down a bit tougher on people who do this, because to a large degree they are trying to avoid the system, which is pretty tough. I believe that many people who bring plants into Australia do it with a great deal of responsibility. They accept the fact that not all the plants that they bring in will survive the quarantine restrictions that are administered to ensure that we do not get pests and diseases in Australia.

**Mr PALASZCZUK:** I think I have answered the questions raised by honourable members opposite quite adequately. Let us just break it down to its bare minimum. This legislation is all about helping us eradicate a pest or a disease. What we are after with this provision is trace-forward, trace-back to help us destroy the pest or the disease. Illegal importation of exotic pests and diseases is a federal matter, dealt with under federal legislation. Prosecution comes under the federal law. What we are about here is the eradication of a disease. Prosecution for importing exotic pest plants and diseases is a federal issue.

Whilst I agree with what the honourable member is saying—we seem to be having more incidents of this occurring—as I said a lot earlier, that is a matter for AQIS control and AQIS prosecution. It is federal government law. All we are concerned about here is the immediate destruction of the pest and disease once it occurs. As I have said many a time, unfortunately it is the federal government, through AQIS, that allows these pests and diseases to come in. It is up to our state to then eradicate the disease. This is about eradication, and we are implementing the toughest laws possible to help us achieve that eradication—not federal prosecution. That is up to the federal government.

**Mr ROWELL:** I am talking about prevention; the minister is talking about eradication. I believe that to a large degree they are poles apart. There should be no room for people to believe that the laws are not tough enough if they do not do the right thing within the state arena. The minister can go on about AQIS and blame AQIS for what it should be doing, but I do not think AQIS wants to see these pests and diseases come in. I am absolutely certain that the extra money it put out was to prevent them. I am talking about prevention. I do not think this clause encourages people who do the right thing in terms of preventing these pests and diseases coming into Australia. People are prepared to flout the system. That is all I am saying. The minister can put whatever construction he likes on it.

Clause 17, as read, agreed to.

Clause 18, as read, agreed to.

Clause 19—

**Mr HORAN** (5.42 p.m.): Clause 19 is one of the important clauses of the legislation because it relates to surveillance programs. One of the problems in the Emerald area—I think the minister alluded to it in his speech in reply to the second reading debate—was the issue of surveillance by the state. There had been a particular problem at this property, and AQIS—the Commonwealth authorities—had this property under observation and surveillance for another particular disease. At the end of that time it established a confidentiality agreement. It was expected that the state would then move in and undertake surveillance. I think that is where the problem occurred. The state was unable to undertake surveillance because, under the act as it existed, the state did not have evidence or the wherewithal to go in and do the surveillance.

There may be particular reasons for confidentiality in sensitive marketplaces, but I believe that the information should be shared on a confidential basis with the state. I think that is something that should be worked towards. The government cannot work in the dark and it has that responsibility. I think future meetings of this minister's interstate colleagues need to work on that issue with the federal minister. If confidentiality is a necessity, how is information kept within a small group of key people in the department who know what they are dealing with? It might be necessary for the minister to take action around the place as a result of the information, so I think that is important.

Is the minister quite confident that, in the circumstances of what happened then—even if he was not sharing in the information and did not know exactly what it was—if there was a request on the department to undertake surveillance it would be able to do it and there would be no way those people would be able to stop it from doing the surveillance?

Is surveillance undertaken at the cost of the people being watched over? The surveillance might be very necessary, but at the end of the day there may be nothing there. Is that surveillance undertaken at the department's expense or is there a charge on the company or the owners of the land under surveillance?

**Mr PALASZCZUK:** We do not really believe that people should enter into confidentiality agreements because it creates huge problems. We were excluded from the confidentiality agreement signed between Evergreen and AQIS. We were kept in the dark over it. More importantly, all of the local growers were also kept in the dark about the confidentiality agreement. Therefore, their suspicions were raised tremendously about what the dickens was going on on this property. When the department's inspectors did not know what was going on, the only means of entry the department had was at the request or consent of the owners of the properties. Because the owners were kept in the dark—they just did not have a clue as to what was going on—they were very suspicious and therefore did not allow the Department of Primary Industries' officers to enter their property.

With the changes to this current act, I can assure the honourable member for Toowoomba South why that will not occur again. First, we are working with the Commonwealth to make sure we do share information, as did not occur the last time. Secondly, I believe we have the strength and the power within these amendments to not only enter property under suspicion with consent but also conduct the necessary surveillance.

In relation to the costs of surveillance, when we talk about citrus canker we are looking at the costs being shared through the cost sharing agreement with the Commonwealth and the other states.

**Mr HORAN:** When I asked about the costs, the minister said the costs would be shared by the Commonwealth and the states—

**Mr Palaszczuk:** Under the cost sharing agreement that currently exists.

**Mr HORAN:** In relation to citrus canker, but this will cover anything. It has to be a quarantine area for a start. Then if you put in place a surveillance program under that program you can lay baits, set traps, test anything, take samples of anything, monitor plant movements and so on. What the minister is saying is that in each individual case he would endeavour to have a state-Commonwealth partnership in relation to cost. I actually asked whether this surveillance means that people have to bear a cost. It might not be in relation to canker; it could be something in pineapples or something like that. Is the minister saying that he would endeavour to negotiate a Commonwealth-state arrangement but, even if that were not possible, there would actually be no charge to the owners of a property to undertake a surveillance program that might be quite intensive?

**Mr PALASZCZUK:** On the issue of cost sharing, if it is an outbreak such as citrus canker, where there is an agreement between the Commonwealth and the states, the surveillance comes under the cost sharing agreement. If it is another outbreak and surveillance is required and it is not under the cost sharing agreement, my information is that the surveillance cost will be taken up by the Department of Primary Industries or by the government.

**Mr ROWELL:** We ran into a problem with the papaya fruit fly where we had organic farms and where it was necessary to provide treatment in those areas. There was great reluctance on the part of

those farmers to put baits out that had chemicals in them. Under these particular arrangements with the federal and the state government, when there is a pest that is not endemic to Australia which has to be fought, what sort of measures will be available under this legislation for the government to actually move into those areas, irrespective of whether the property owner is an organic farmer or not? I am talking about where a pest actually has to be controlled.

**Mr PALASZCZUK:** Could I remind the honourable member that clause 19, which we are discussing, is about surveillance. It is not about treatment. We are discussing the issue of surveillance. As regards the papaya fruit fly incursions and the organic farmers, I think we have dealt with that pretty well in the course of this debate on these provisions.

**Mr ROWELL:** In the course of surveillance, very often these pests actually have to be trapped, and very often some chemical has to be used and very often an attractant has to be used to do that. How do people go about the surveillance if they do not have the opportunity of going into an organic farm area and actually setting these traps because it may have some impact on their organic status?

**Mr PALASZCZUK:** If we have to do it on an organic farm we will do it.

**Mr Rowell:** Good.

**Mr PALASZCZUK:** If we have to do it we will do it.

Clause 19, as read, agreed to.

Clause 20, as read, agreed to.

Clauses 21 to 24, as read, agreed to.

Clause 25—

**Mr HORAN** (5.53 p.m.): I ask the minister about the limitation on the starting of proceedings, as follows—

A proceeding from an offence may be started within—

- (a) 1 year after the offence has been committed; or
- (b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the offence is committed.

I just wonder why there is that limitation, without having specific knowledge of diseases. I imagine that in the whole process of plants being planted and growing into something or diseases starting, or before the diseases show themselves or are detected, there could be quite a time lag. If someone imported something illegally and that material grew into a tree and citrus canker was found on a mature tree, that might be three, four or five years after the plant was illegally imported, so it would be well outside the limitation on the time for starting proceedings. The answer to that might be that it would come under AQIS, which would be a different regime. The minister is shaking his head. I ask: why is there that limitation, because without specific knowledge it seems to me that there could be many examples where things might be outside of that time?

**Mr PALASZCZUK:** Quite simply, the limitation on the time for starting proceedings is based on other legislation. We want to be consistent with other legislation in other areas. That is the reason why we have the following—

- (a) 1 year after the offence is committed; or
- (b) 1 year after the offence comes to the complainant's knowledge, but within 2 years after the offence is committed.

It is so that it is consistent with other legislation.

**Mr HORAN:** Does the minister mean other legislation within primary industries?

**Mr Palaszczuk:** No, across the board; government legislation.

**Mr HORAN:** Other civil legislation? If someone has assaulted someone, that person can be arrested at any time once it has actually been proven. It is not a matter of a limitation of one year or two years, as it is here. I think this limitation has to take into account what the minister is trying to deal with, and he is dealing with offences that may take some years to surface or be detected. That is the reason I asked the question. I would like an explanation of the minister's previous answer because it does not make sense to me.

**Mr PALASZCZUK:** The honourable member is correct, because the previous legislation was silent on the limitation. To be consistent with other legislation, we were only allowed to introduce the one-year limitation and two years after the offence is committed otherwise we would not be able to introduce this under Justice and Attorney-General legislation. That is the reason, but we are working on it. I take the member's point; I know what the member for Toowoomba South is saying.

Clause 25, as read, agreed to.

Clause 26, as read, agreed to.

Clause 27—

**Mr HORAN** (5.56 p.m.): This new definition of 'serious pests' is the first time the minister has actually defined them in legislation. Citrus canker is there under bacteria, *xanthomonas axonopodis*. First of all, I have a couple of questions. How has the minister come about putting these in place? I guess expert advice was received on what is considered to be serious, but under animals—insects and mites and so forth—there does not seem to be any mention of fire ants. Wouldn't they be a serious pest, or are they mentioned somewhere else?

**Mr PALASZCZUK**: They are a notifiable pest already because we have had the incursion of fire ants. When it comes to the 26 serious pests, they come on the recommendation of our scientific people. We can add to that list very quickly if required. In relation to the fire ants, they are a notifiable pest already; they have been for the past three years.

**Mr HORAN**: I did notice that reference to 26 or 21, but there are only 15 listed here. Fire ants are not listed here as a serious pest; they are listed as a notifiable pest. What is the difference between notifiable and serious? The serious pests that are listed here are the reason why we have all this serious legislation that gives quite substantial powers to inspectors—quarantine areas, surveillance, no injunctions or administrative review and so forth—to enable adequate control. I would have thought that fire ants would have been a serious pest. I would be grateful if the minister could explain the difference between notifiable and serious, and why there are 15 here and not the 21 or 26 that have been mentioned in some of the details of this legislation.

**Mr PALASZCZUK**: In relation to fire ants, all serious pests are notifiable and fire ants are classified as a serious pest and have been notified. However, because of the ouster provisions, we cannot include fire ants in this list. The ouster provisions were explained previously in relation to clause 11 or clause 13.

**Mr ROWELL**: I notice that moko is not listed under 'bacteria'. I thought that was a pretty serious pest. It is not a pest that we have in Australia and I thought it would be the sort of pest, particularly as a bacterial problem, that would be listed because we do not want it in the country. Are the serious pests listed here the only ones to be listed? I am a little bit confused.

Of course, we should have listed under 'viruses' the banana bracts mosaic virus. That is a damn serious pest. We do not want it in Australia; there is no question about that. I do not see black sigatoka listed with the fungal pests. I have just named a few, and I am sure there are many others. Why does this legislation specifically name particular pests that would be a problem in Australia but are not endemic in Australia?

Minister, the pests that I am talking about—that is, moko, black sigatoka and banana bracts mosaic virus—are extremely serious pests. There is little question about that. Those pests are the basis on which the industry is fighting to keep at bay the application to import bananas from the Philippines. If it were not for the fact that these pests are not present in Australia—and we certainly do not want them here—it would be particularly difficult to refuse that application now before AQIS. I would have thought that those particular pests and diseases would be at the top of the list of serious pests and diseases in this legislation. There are a number of others, but I quote these as examples because they are very topical at the present time. They are a major issue as far as the Australian industry is concerned. If those pests happened to get into Australia, we would need some controls—chemicals, or whatever it might be—to try to stop them or control them. In most countries where those pests are present, no solution has been found to the problems created by them.

Of the three pests that I have mentioned, black sigatoka is the only one that we have some chance of wiping out. Over the last two to three years, our banana industry, in co-operation with the DPI, has created a world first—it actually got rid of this pest. I thought this government would fight tooth and nail to list these pests, in particular. They are serious pests and they have severe implications for the banana industry. There are a dozen others, maybe even 20 or 30, that could be regarded as serious pests, yet they are not addressed in the list of serious pests—even a schedule 1 plant or a schedule 2 type pest. Really, we are not addressing this issue. Perhaps the minister can explain why the issue is not being addressed.

**Mr PALASZCZUK**: Our scientists drew the names of these 15 pests and diseases from the Plant Health Australia list, under schedules 2 and 3. We have drawn the names from its list, and that is why they are listed here. In relation to the other pests and diseases to which the honourable member referred, we will have to make representations to the Commonwealth government and get it done that way. In listing these 15, we have followed what the federal government's Plant Health Australia has listed in its schedules 2 and 3 as exotic pests and disease, which these 15 are. Earlier, I made a mistake when I said there were 26.

**Mr HORAN**: This is my last chance to speak during this segment so, through the minister, I thank his staff for their courteous and informative briefing. I do not think I thanked them in the debate a couple of weeks ago.



**Mr PALASZCZUK:** May I say that the honourable member has been very well briefed by my staff. It was a very full and comprehensive briefing, as the honourable member has shown this afternoon.

Clause 27, as read, agreed to.

Clauses 28 to 30, as read, agreed to.

### Third Reading

Bill read a third time.

## PETROLEUM AND GAS (PRODUCTION AND SAFETY) BILL PETROLEUM AND OTHER LEGISLATION AMENDMENT BILL

### Second Reading (Cognate Debate)

Resumed from 12 May (see p. 898) and from 18 August (see p. 889).

**Mr SEENEY** (Callide—NPA) (Deputy Leader of the Opposition) (6.07 p.m.): I am pleased to make a contribution to the consideration of the Petroleum and Gas (Production and Safety) Bill 2004 and the Petroleum and Other Legislation Amendment Bill 2004 which are being considered by this House in a cognate debate. The two bills we are debating today represent a major change for the petroleum industry and will usher in a new era for petroleum exploration and production in Queensland. These new laws are quite lengthy and complex, as illustrated by the number of folders carried into the House by the minister a moment ago. I hope that each and every one of those do not have to be considered during the debate.

These are certainly lengthy bills and they contain a great deal of detail. That is understandable, given the complexity of the issues with which the bills deal and the fact that this is the first comprehensive rewriting of the laws governing petroleum operations in Queensland since the Petroleum Act was introduced in 1923. This legislation has been more than five years in the making. There has been a range of discussion papers, there has been quite extensive industry consultation and a number of drafts of the bills were prepared prior to the final bills being introduced to the parliament.

I think that it is fair to say that these changes that are contained in these bills had their genesis under the previous coalition government. Actually, they were instigated by a situation that arose in the Dawson Valley, which is in my electorate, in relation to the activities of a company that at that time was attempting to develop coal seam methane. The House has previously considered the legislation that now administers coal seam methane. Because of the activities at the time of that particular company, it was found that the legislation that administered petroleum and gas exploration, which is where the coal seam methane issue fell at that time, was not only totally inadequate for the administration of the activities of the coal seam methane explorers but also entirely out of date, having been written in 1923. At that time I distinctly remember—and that was before I was a member, but I was involved in local government in that area; not in the shire where the activities were being undertaken but certainly in the neighbouring shire—the grave concern that was caused by the fact that the legislation at the time was shown to be totally inadequate to control the activities and the impact that those activities were having. That caused a great deal of consternation and understandable anguish to local governments and land-holders. There were some very distressing situations, which even all of these years later I remember well, because of the grave injustice that was done to land-holders who were affected and the major impacts that were visited upon the local authority that was responsible for that area at the time.

It was a good example of why these statutes need to be up to date. It is a good example of why we in this parliament need to be able to introduce new pieces of legislation and amend existing pieces of legislation to keep up with the developments in the areas that that legislation administers. These bills have been a long time in their development. I think that is probably understandable, given the detail of the bills and the complex issues that they address.

At the outset, can I say that the opposition will be supporting these bills. I thank the minister and his staff for the briefing that they gave and the summary notes on the legislation that were provided. However, that is not to say that there are not some issues of concern and I will raise some of those in my contribution. No doubt, we will get a chance to consider some of those issues in more detail in the consideration stage of the debate.

According to the Australian Petroleum Production and Exploration Association—or APPEA—the value of production of oil and natural gas in Australia exceeds \$15 billion per year, while the industry's asset base is greater than \$40 billion in value. So we are talking about a very substantial industry. However, it should be noted that the source of oil and gas production is predominantly Western Australia with, according to the figures compiled by APPEA, Queensland representing about two per cent of the country's liquids production in 2002-03 and 12 per cent of the country's gas production in

2002-03. No doubt, given the expanding nature of Queensland's gas industry in particular, about which we have spoken a number of times in this House when we considered the legislation pertaining to the coal seam methane gas, those figures will change over time. Hopefully, Queensland's proportionate share of that production will increase as those gas fields are developed and more and more of them come into production.

The petroleum industry in Queensland started in 1899 when a bore drilled by the state government near Roma struck gas at a depth of 1,122 metres. In 1906 that gas flow was used to provide streetlighting in Roma. Unfortunately, it petered out after only 10 days of supply. In the 1950s, federal government subsidies for drilling along with an oil discovery in Western Australia sparked a renewed industry in petroleum exploration in Queensland. Subsequently, there were a number of discoveries, particularly in the Surat and Bowen basins. An oil pipeline from Moonie to Brisbane commenced operations in 1964 and a gas pipeline from Roma to Brisbane started operations in 1969. Around that time, gas was also discovered in the Cooper-Eromanga basins in north-east South Australia and south-west Queensland, which are believed to be Australia's largest onshore resource projects with a total capital value of \$8 billion and which supply some 46 per cent of eastern Australia's natural gas supply. According to the web site of the Department of Natural Resources and Mines, in 2001-02 in Queensland petroleum exploration expenditure was about \$82 million, which represents a very major capital investment by the exploration sector.

Of course, volatile oil prices have a considerable impact on Australia's petroleum industry as well. Recently, APPEA issued a media release noting that Australia would become more and more susceptible to high oil prices over the next decade unless it took moves now to address the growing gap between demand and local supply. APPEA's Executive Director, Barry Jones, stated—

If we do nothing, in 10 years Australia will be producing only 230,000 barrels per day of petroleum liquids, at a time when we will be consuming just over one million barrels per day.

Mr Jones also made the point in his media release of 3 September that the states, including Queensland, must 'expand their commitments to precompetitive geological research'. This is the point that was raised publicly by the Queensland Resources Council in an article in the *Townsville Bulletin* of 19 June when the CEO of that organisation, Susan Johnston, pointed out that 'failure by the Queensland government to provide up-to-date geological information is costing Queensland as much as \$750 million in lost investment'. Ms Johnston told the *Townsville Bulletin* that the Queensland Resources Council had asked the government to spend \$38 million over four years on an information upgrade.

The Nationals raised concerns about the state government's spending on geoscience during the budget estimates process where the minister admitted that the government had allocated just \$2.3 million towards updating the state's geological mapping—only about six per cent of what the industry is seeking. It is no wonder, then, that an international survey of mining companies conducted in 2003-04 by the Fraser Institute rated Queensland's geological database below that of all other Australian states and the Northern Territory. Effectively, this survey shows that, despite the fact that the mineral resources sector is by far Queensland's largest earner of export dollars and despite the fact that the exploration sector is prepared to invest such large amounts of capital in the Queensland economy, Queensland has the worst geological data of all the states in Australia.

In January this year, the Queensland branch of the Australian Institute of Geoscientists compiled an interesting graph that shows that while the annual Queensland resource royalty revenues have tripled over the past decade, Mines Department expenditure has basically flat lined. It is worth while noting that in 2002-03, the minerals and petroleum industries earned Queensland more than \$10 million in export earnings—about half of the state's total export income. That really demonstrates the imperative that the state government has to get behind the industry with financial and not just verbal support. The easiest way to demonstrate that support is to provide the up-to-date mapping that is so badly needed to keep Queensland competitive with other possible places for the exploration sector to operate.

Having said all of that, it is clear that the Queensland government is taking some positive steps to ensuring that there is a more modern, efficient and flexible framework for the exploration and production of petroleum in Queensland, including coal seam gas, and the construction and operation of upstream pipelines. The evidence of that is the Petroleum and Gas (Production and Safety) Bill 2004, which we are debating today, and the previous pieces of legislation that we considered in this House relating specifically to coal seam methane gas.

The two bills before the House establish a new competitive petroleum tenure regime. The legislative provisions regulating petroleum exploration have been expanded and, notably, authorities to prospect—or ATPs—will be awarded only after a competitive tender process. That is a fundamental change in the way in which the authorities to prospect have been awarded in the past. The emphasis of the competitive tender process is on the ATP applicant's capability to undertake exploration rather than on a cash-bid basis. Therefore, applicants will need to submit work programs with their ATP application and the successful tenderer will obviously be the one with the most effective program and the greatest

chances of delivering a positive outcome from their prospecting activities. The implication of this process is that the government should be able to better manage the land that is available for ATPs and ensure the development of Queensland's resources in a shorter period.

Prospecting permits will no longer exist under the bill, but a new authority known as the data acquisition authority will be introduced to allow a person or a company to carry out geophysical surveys on land adjacent to petroleum tenure but not in another petroleum tenure. There are also changes relating to petroleum leases. In its analysis of this bill, the law firm Allens Arthur Robinson notes—

While in principle an ATP holder still has the 'right' to be granted a petroleum lease, the reality is that the criteria under the bill that must be satisfied in order to access that right is much more extensive.

These criteria include obtaining approval of an initial development plan, satisfying the minister that the applicant has the ability to manage the petroleum exploration and production and either that that production will begin within two years of the lease grant or the petroleum for the lease is already contracted for sale. They are steps in the right direction, and that is a concept that the opposition supports to ensure that the potential of Queensland's petroleum deposits is developed or explored in the shortest period of time and the emphasis is on providing the incentives for the people who hold the authority to prospect in those areas to bring those areas into production for the benefit of all Queenslanders. If these criteria are not established, the minister has no discretion and cannot grant the petroleum lease. However, he may call for tenders for a petroleum lease. Again, the emphasis of the competitive tender process is on the capability to undertake the work and to develop the lease and bring the lease into production.

The bill recognises the value of natural underground reservoirs for the storage of gas. Storage is now explicitly permitted by petroleum leases which increases the value of a petroleum lease by increasing the commercial opportunities offered by the lease. The bill also contains provisions regulating third-party access to natural underground reservoirs for the storing of petroleum, placing an obligation on a leaseholder or an existing user of a reservoir to negotiate in good faith with a third party who wants to use the reservoir to store their petroleum. That, again, is a commendable approach to an issue that has certainly developed since the original legislation was written in 1923. It is a commendable approach which should provide opportunities for holders of such leases in Queensland.

The bill contains extensive measures relating to owners and occupiers of land. There is an obligation to consult landowners, provide notice of entry, notice advising of start and location of activities, notice of activities being undertaken and an obligation to remove plant and equipment at the end of the activities being completed. I am particularly pleased that the landowner compensation provisions have been substantially rewritten so that they now essentially align with the principles of compensation under the Mineral Resources Act. It was clearly ludicrous to have a different set of compensation provisions under the Mineral Resources Act and the Petroleum Act. The fact that they have been brought into alignment will put an end to a lot of confusion that has existed in the land-holding community when they are confronted with the possibility of explorers exploring on their land. The new process provides for a uniform compensation regime for both the petroleum and mining industries and is far more comprehensive than what existed under the old Petroleum Act. What existed under the old Petroleum Act was clearly outdated and clearly unable to take account of the activities that are now part and parcel not only of exploring for petroleum and gas but also of producing petroleum and gas.

An applicant for a petroleum lease in this bill or an ATP must submit a statement with their application about how and when the applicant will consult with each owner and occupier of the land on which authorised activities will be carried out. The holder of the petroleum authority must continue to consult with the landowner as required by the terms of the ATP or the petroleum lease. In a nutshell, under the new laws, entry on to private land requires 10 business days written notice including details of the proposed activities and their timing. Before entry can take place, there must be an agreement with the land-holder or a tribunal determination resolving compensation for the effect of the activities.

As Toowoomba land-holder advocate George Houen told *Queensland Country Life*—

For the first time, there is a clear obligation to compensate land-holders for the effects of petroleum activities and for consequential damages from those effects and for any cost or loss arising from the activities on the land.

Mr Houen went on to state that the bill resolves what has been a bitter dispute between certain petroleum operators over compensation for loss of value of properties as a result of petroleum activities. I think the bill establishes a mechanism to ensure that land-holders are treated fairly and exploration companies are able to go about their business of exploring and developing the resources for the benefit of all Queenslanders. I commend the minister for the inclusion of that part of the bill in particular and for bringing that into line with the Mineral Resources Act.

The bill also provides a petroleum tenement holder with the right to take and interfere with underground water if that happens while undertaking authorised activities—for example, drilling wells. The petroleum tenement holder has a right to use underground water for purposes associated with its authorised activities and may also allow the water to be used for domestic and stock purposes by third parties such as land-holders. Petroleum tenement holders are also required to make good or

compensate existing users of underground water if their activities affect these existing users. This, too, is something that was probably never envisaged back in 1923 when the original legislation was written. It is in response to the changing nature of the administration of water within the state. It is a commonsense approach and it is one that the opposition is happy to support.

The bill includes substantially revised safety measures to update this legislation with the approach being employed in Queensland laws covering safety in the mining, building and construction and electricity industries. Generally, it combines broad obligations applying to all petroleum and gas operating plants with specific hazard based regulations that set out how specific risks should be managed. The cornerstone of the proposals is a safety management plan which will be compulsory for all operating plants. This plan is to be an active document changing as circumstances change. Once again, I am sure that every member of the House would agree that safety has become an essential part of the administration not only of this industry but all such industries.

This legislation also clearly defines the legal rights, obligations and priorities for developing coal seam gas resources and addresses issues surrounding overlapping tenures. Coal seam gas is usually methane in composition and is typically attached to the coal along its natural fractures and cleats. This gas is released when pressure on the coal seam is reduced, usually after water is removed from the seam. As the minister noted, about 27 per cent of Queensland's gas is now supplied by coal seam gas. Major companies exploring for coal seam gas in Queensland are focusing on the Bowen and Surat basins, although all coal bearing basins are being investigated.

As the minister noted in his second reading speech, this legislation is designed to set the framework for the coal and petroleum industries to work cooperatively and respect the rights of each other. If agreement cannot be reached, then the framework allows the Land and Resources Tribunal to then make a recommendation. I understand that the resources industry is particularly keen on ensuring that there are clear and objective criteria for making these decisions. They should not be politically based decisions. Equally, it is important that where there is a disagreement a decision by the umpire is made quickly so everyone can move on without waiting for years to find out whether or not their project proposal is successful.

The second bill of the two, the Petroleum and Other Legislation Amendment Bill, basically provides transitional provisions for existing tenure and licences that will continue under the current Petroleum Act 1923. Once again as outlined in the second reading speech delivered by the minister, holders of the continuing tenures under the Petroleum Act 1923 will be able to gain additional rights under the new legislation by applying for a replacement tenure. However, I understand the industry representative group, the Australian Petroleum Production and Exploration Association, is concerned about the significant removal of rights of existing holders in two circumstances. In particular, holders of existing ATPs will lose the automatic right under section 40 of the current 1923 act to the grant of a petroleum lease. While I understand the government is trying to resolve the issue of overlapping petroleum and coal tenures, APPEA makes the point that those ATP holders will now be significantly adversely affected and APPEA is disappointed that a resolution satisfactory to all industries was not sought. Further, APPEA is concerned that the petroleum leases which end after 1 November 2021 will not be able to be renewed under the 1923 act. For those leaseholders, this will create considerable uncertainty as they will have to negotiate with native title holders when they wish to renew their leases in a situation where they are already producing petroleum.

Concern has also been expressed about some of the new obligations placed on industry, such as the requirement for later development plans which must address the coal seam gas criteria in the legislation where the area of the petroleum lease includes some overlap with a coalmining tenement. APPEA states—

The compliance costs and uncertainty this creates for the development of investments in those leases will recur each time there is a requirement for another later development plan.

It has proposed that the requirements for later development plans need to be simplified to make them workable and remove uncertainty for existing investments, and I would be interested in hearing the minister's views on that proposal and the other concerns that it has raised.

These bills are very complex and it is vital that the Department of Natural Resources and Mines has sufficient resources to ensure that this new regime is introduced smoothly and works properly. In addition, this bill greatly expands the number of documents which industry must provide to government and the number of approvals which must be sought from government. It will be necessary for the government to have a clear implementation strategy to assist companies, particularly small companies, to understand both their rights and their obligations under this new legislation. I trust that such a strategy will proceed in the near future. APPEA's resources director, Tony Haydock, summed up the petroleum industry's view quite well in his association's 2004 newsletter. Mr Haydock noted that the department has difficulty keeping up with the approvals under the current act. He stated—

It—

that is, the department—

will need to be properly resourced to ensure it is capable of meeting the much expanded role being given to it. If not, the attempt to modernise the legislative regime will fail and it will be a disaster for the industry.

Overall, the opposition has no major problems with the legislation, but it is crucial that the department is properly funded to be able to cope with the changes that will occur. I commend the minister for the extensive work that has gone into the bills. I am happy to support their passage through the House.

Sitting suspended from 6.31 p.m. to 7.30 p.m.

**Mr FRASER** (Mount Coot-tha—ALP) (7.30 p.m.): In rising to participate in the debate on these bills about the petroleum industry tonight, I address the issue of water use, an issue that surely should be exercising the minds of all members in this House and, in fact, of all Queenslanders. Managing the state's scarce and precious water resources is one of the great challenges facing us today.

As members would appreciate, the petroleum industry in this state is a significant producer of water as a by-product of petroleum production. With the development of the state's coal seam gas resources, the amount of water produced by the petroleum industry is likely to increase significantly in the coming years. It is important that, wherever possible, water should be put to beneficial use. It is not sensible, indeed it is not acceptable these days, for water produced as a by-product of petroleum production to be discarded and wasted merely as a by-product.

The amendments to the Water Act 2000 provided for in this amending legislation set out a new type of water licence. This licence attaches to a petroleum tenure and enables the supply to a third party of water produced under that tenure. The supply of this water is subject to the licensing framework under the Water Act which, appropriately, allows the state to retain control over this valuable resource. It is important to note that the new licensing regime will give priority to anyone who is refused a water licence owing to a petroleum production activity. This water will be made available at the cost of supply. Supply at cost is appropriate in these circumstances, considering access to the water would necessarily be diminished but for the petroleum production activity. The remaining water in these circumstances can then be made available to third parties on a commercial basis.

The ability to provide water to third parties has additional benefits to landowners. No longer will it be necessary for a petroleum tenure holder to construct large evaporation ponds. The absence of these large ponds reduces the footprint that the petroleum activity has on the land and thereby minimises potential disruption to the activities of the occupier of the land. Again, the public benefits are clear.

The ability to supply water will also allow the landowner to benefit from the supply of additional water from an activity that would otherwise not necessarily benefit them. The right of a petroleum tenure holder to take and use water may impact on the amount of water available to the owner of a bore taking water from the same aquifer system. A decrease in the amount of available water could result in a bore becoming unduly affected, resulting in a significant impact upon the livelihood of the owner of the bore.

In this contribution I also make mention of the reporting requirements in respect of the impact of authorised petroleum activities on water supply which, in this bill, are comprehensive. Reports will be required to identify possible impacts as early as possible through the need for a ground water model with ongoing monitoring during the lifetime of the tenure. If a bore becomes unduly affected, then the petroleum tenure holder has an obligation to make good. The requirement for a preclosure report is intended to ensure that the make-good obligation has been met before the petroleum tenure ends. The make-good obligation is primarily intended to restore the supply of the water from the bore. It is not intended to be a principle upon which additional compensation can be paid. This is the first time that a bore owner is being provided with a mechanism for redress arising in circumstances of petroleum production.

The initiatives in this legislation in respect to water have been developed conjunctively with the petroleum industry. I would like to acknowledge the petroleum industry for its contribution to the development of the policy incorporated into this legislation. Its willingness to address this potential problem will assist the industry to foster an ongoing good relationship with landowners.

This legislation represents another element of the state government's commitment to the responsible management of Queensland's resources and, in particular, the sustainable use of its water resources in the context of petroleum exploration and production. These bills are the product of lengthy consultation and tremendous effort, and I commend the bills to the House.

**Mr NEIL ROBERTS** (Nudgee—ALP) (7.34 p.m.): I wish to make a few comments about the Petroleum and Gas (Production and Safety Bill) 2004. This is a very important piece of legislation because it will have a direct impact on the future economic growth and prosperity of Queensland. The bill covers a number of areas, but I wish to concentrate my comments on coal seam gas and its development.

This bill implements the Beattie government's coal seam gas policy by including a specific chapter in the bill and amendments to the Mineral Resources Act 1989. It clearly defines the rights, obligations and priority for each type of tenure held by stakeholders, thus facilitating the optimum development of the state's coal and coal seam gas resources.

The coal seam gas reserves in the Bowen Basin are massive. Industry commentators have suggested that the potential of these reserves may even exceed those of the gas fields in Papua New Guinea. What is more important is that these reserves are here in Queensland, in our own backyard for us to develop and use.

I was recently in Moranbah for a regional community forum and took the opportunity to visit the site of Enertrade's gas distribution and pumping facility which is nearing completion. The company CH4 delivers the gas to Enertrade's facility, which will ultimately be transported to Townsville.

Recently I was somewhat surprised to see some opposition to this project voiced by the state opposition. Through the member for Callide, an opposition press release of 23 July this year slammed the construction of this pipeline. The media release was based on exchanges that occurred during the estimates committee hearing between the member and the Minister for Natural Resources, Mines and Energy where it was suggested that the only reason Enertrade was building the pipeline was to meet the government's targets for gas-fired electricity production.

In his press release, the member for Callide criticised the level of government and Enertrade investment in the project, suggesting that it was not worth it on the basis that, in his words, it only added a meagre 20 megawatts of power to the state's electricity grid. From the opposition's criticism of this project, it would seem that the government should not have approved of Enertrade building this pipeline because, in their eyes, it does not deliver sufficient, immediate or substantial returns on the investment. On this rationale, the government would also have to stop building roads and stop our record \$6 billion Capital Works Program, which includes major pieces of infrastructure like the Paradise Dam.

The Moranbah to Townsville gas pipeline delivers a whole host of benefits at various levels to Townsville and to Queensland as a whole. Apart from supplying a cheaper fuel alternative for the Townsville power station, it also gives other major industries in the region another potential fuel supply. The pipeline project is expected to increase economic growth in north Queensland by more than five per cent over its first 10 years of operation and also provide a significant boost to regional employment. It is a strategic piece of energy infrastructure that will open up the enormous potential of the coal seam gas in the Bowen Basin which, as I have said, rivals the gas reserves proposed to be delivered by the Papua New Guinea gas pipeline. The delivery of gas to Townsville also has the potential to open up the market to domestic consumers in north Queensland.

The gas pipeline project is a sound investment that is fully supported by the Beattie Labor government. From the member for Callide's criticism of this project, it is clear that a National/Liberal Party coalition government would not have built the Moranbah to Townsville pipeline. In doing so, it would have denied north Queensland the benefits that I have outlined. As the minister said at the estimates hearing, it is no wonder that the National Party has so much trouble winning seats in Townsville.

In contrast, the Beattie Labor government is focused on delivering the major infrastructure needs of the state, which will deliver and support long-term and sustainable economic development. This bill before the House helps to achieve that objective and, on that basis, I commend the legislation to the House.

**Mr HORAN** (Toowoomba South—NPA) (7.39 p.m.): Both the Petroleum and Other Legislation Amendment Bill and the Petroleum and Gas (Production and Safety) Bill deal with giving security of tenure to those involved in the very important exploration industry in Queensland. These bills are about modernising the legislation, taking into account some of the very complicated issues of coal seam methane gas, having perhaps two different people exploiting coal on the one hand and the gas that is within the coal seams on the other hand, and making the whole system of leases and extracting of the gas and the coal compatible and able to work efficiently.

It is very important that we consider the whole issue of exploration and petroleum. We are talking about non-renewable resources. We as communities have to be concerned about the amount of available petroleum Australia and Queensland have and how much exploration is being undertaken. We need to encourage exploration for petroleum just as we need to encourage exploration for coal and gas, which are alternative power sources for industry as opposed to petroleum which is, generally speaking, a power source for motor vehicles and transportation.

This legislation is aimed at making sure that those who are searching for or involved in the production relating to gas or petroleum in particular are working in an exploration regime similar to the one in which those who are after minerals and coal work. That is one of the reasons we will be supporting these bills.

I will speak in particular about the issue of ethanol. When we talk about petroleum and the importance of exploration, we know that Australia currently produces somewhere in the order of 25 per cent of our petroleum needs. Much of that is coming from Bass Strait and the north-west offshore of Australia. As I said, it is a non-renewable resource. Once it has been used it is gone. Much of our national debt comes from the fact that we have to import so much of our fuel.

I think a state such as Queensland is well placed. We are a great state when it comes to coal. We are a great state when it comes to gas. This legislation seeks to modernise the approach to the exploration, use and piping of gas. I think the next step for us as a state is to exploit the natural abilities we have, through industries such as the sugarcane industry and the grain industry, to develop ethanol to blend in with petroleum to provide us as a state with a certain percentage of renewable fuel, produced here on our own land.

I want to speak about the proposed plant at Dalby. It is close to a number of the coalmines being developed in that area. A couple of years ago I had a look at a project out there that was using this Siberian technology of producing gas by burning the coal. The land actually subsided two or three metres after the coal was burnt underground, producing the gas. It showed some promise. I am not sure just where that project is at the moment. The coalmines in that area are certainly providing a great economic boost to the area.

Those proponents who wish to go through the expensive up-front process of producing ethanol are up against a very competitive market. For them to produce ethanol successfully and viable commercially, the ethanol has to be the same price or cheaper than other fuels so that people will purchase it. Those proponents of the ethanol plant at Dalby have been very cognisant of that.

One of the benefits of ethanol is the high octane rating. If it is priced the same as standard fuel, people will be getting a premium fuel which will burn better. I think it is important that we as a state look at a blend of ethanol and fuel so that we take advantage of the assets of our sugarcane and grain industries.

The project at Dalby would cost in the order of \$80 million and would bring enormous benefits to the area of Dalby and the grain growing areas of the Darling Downs. The octane level is in the order of 95 per cent, which means that ethanol is a premium product. If it is sold at the same price as standard fuel people get better value because of the quality.

A couple of years ago I had the opportunity to go to America to look at ethanol production in Minnesota and Nebraska. It was very interesting to see how that developed. In Australia there has been virtually the same sort of opposition that occurred in America, but in America now virtually all fuel contains 10 per cent ethanol. There are in the order of 80 ethanol plants, mostly through the mid-west corn and grain production states. Wherever ethanol plants have been developed they have provided a real boost to the economy and to communities. Normally they employ somewhere in the order of 60 skilled people. They pay good wages. In a country area, that level of technology—boilermakers, technical workers and computer operators working in the ethanol plant—provides a real boost, particularly for the young people. We in Queensland have the opportunity to produce ethanol not only from grain, as they do in America, but also from sugarcane.

Once the state of Minnesota mandated a 10 per cent ethanol content in fuel, the fledgling industry was able to develop. That flowed through to some other states. Other states, such as California, introduced clean air bills. The combination of clean air bills and subsidies or mandating—in some states there have been subsidies and in other states there has been a mandating—meant that this industry was able to get off the ground.

For places such as Dalby and Chinchilla, which are now starting to see some of the benefits of the coalmining industry that is developing in that area, with coalmines and a proposed power station, the addition of another industrial aspect, such as ethanol production, would be wonderful for the towns and the area. As I said, the expected cost of the plant would be \$80 million. It would provide about 35 jobs. That has a flow-on effect of six to one. About 450 people would be employed in construction. The plant would produce 80 million litres per annum and it would provide distillers grain, which is a high-protein feed, to feedlots. This would be a bonus, if you like. In the case of many of the ethanol plants I saw in America, the production of either the wet or dried grains to feedlots, intensive dairy farms and so on provided some of the actual profit that was made on the product.

There has been some comment by the Australian Lot Feeders Association and others about whether this would put up the price of grain. I think we have to be very careful that we do not get frightened to put in place an industry that would actually increase the returns to farmers for their grain simply because that might flow on to another primary industry such as feedlots. I believe there have been some discussions between the proponents of Dalby and the Australian Lot Feeders Association and GrainCorp about taking a variety of feed, such as wheat, barley, corn and mixed grains, so that they are not just taking from the sorghum or the corn market.

There have always been a couple of issues in Australia. One has been the excise, which is now capped at 38.2c per litre. The federal government has put in an arrangement that ethanol could be excise free to 2011 and then there would be a small increase of 2.5c per year over five years to a cap of 12.5c, which would enable this fledgling industry to get up and running. I think it is something that we have to approach seriously.

I was somewhat heartened to hear that the Premier, who opposed the mandate that we talked about as being necessary, has seen that it was necessary for people in his department to put together a 34-point plan regarding projects such as Dalby—

**Mr Schwarten:** We put them into government cars, though.

**Mr HORAN:**—and some of the sugar—

**Mr Schwarten** interjected.

**Mr HORAN:** You put them in government cars for a while and then you stopped it.

**Mr Schwarten:** No, no, we didn't; BP did.

**Mr HORAN:** Yes.

I spoke about the issue of America and how the opposition happened there, and much of it came from the automobile industry and some of the big petrol companies. But now that it is 10 per cent right throughout America, there are leaflets, pamphlets and flyers being put out by the fuel companies and by the major car organisations extolling the virtues of 10 per cent ethanol and a 10 per cent blend.

In nations like Brazil, with its massive sugar industry, about 50 per cent of its sugar industry is going into the production of ethanol. Brazil has cars running on 80 and 90 per cent ethanol. I believe that the RACQ in Queensland has now taken a far better approach to and understanding of ethanol. It did have make some contrary comments a while back. It is good to see that it is now understanding and agreeing with the value of ethanol production.

We have seen some of the American schemes copied in Australia where petrol stations displayed signs and people had stickers on their cars saying 'No E10 in this fuel', trying to imply by perception that there was something wrong with a 10 per cent blend of ethanol. It is simply not true, but that is the way that the opposition to ethanol works. It is opposition that is denying us in Australia the opportunity to be able to reduce some of our foreign debt and to have a far lesser reliance on overseas countries—whether they be in the Middle East, Asia or other parts of the world—to import fuel to our nation when we could, in fact, produce that fuel ourselves.

Whilst we are debating the issue of security of tenures and the legislation that covers exploration for petroleum and gas and the systems of making exploration leases workable and practical in the modern context, I think it is time for us to also realise that on our doorstep is a wonderful opportunity to be able to produce ethanol from the grain that we grow and to produce ethanol from the sugar cane that we grow. That will reduce our reliance dramatically on petroleum, and I certainly hope that this legislation encourages exploration. We need that exploration to take place. We need to boost Australia's production of petroleum to a level that is far higher than the amount that we produce now. We need to be able to extract and use these massive amounts of gas that are between the seams of coal within our coal fields.

I hope that the government takes note of the things that I have said tonight about ethanol, because Queensland is uniquely placed to be able to take the greatest and best advantage of it. Much has been said—and I agree with it—about the opportunity in the sugar industry to be able to provide flexibility of pricing and flexibility of income for those in the sugar areas through the production of ethanol. There is also the opportunity in the grain growing areas, and I have mentioned specifically the project at Dalby because it has taken huge financial courage by the people involved in trying to put this together.

When something is being done that is pioneering and new, it is always difficult. It does need the support of both the federal government and the state government to make this happen. The greatest thing that the state government could do would be to investigate fully the whole issue of mandating. It has been done successfully in the United States and it worked. It can be done here. There are legal opinions that the process of mandating can be done. We have argued in this parliament in debates on private members' bills which have been introduced in the parliament that Queensland can go it alone in the process of mandating. That would be a thing that would give us a good push and a start to a great Queensland industry. It would see Queensland then starting to have a greater reliance on a renewable fuel—a fuel that can be produced from the sunshine, the fertility of the ground and the rain—from grain crops instead of simply mining operations on non-renewable sources. At the same time it would certainly give us environmental advantages because it is a far cleaner burning fuel whilst having a higher octane rating. That has to be good news for our city and good news for the reduction of pollution, particularly in coastal areas such as Brisbane which have a mountain at the back of them.

I hope that the government will take note of what has been said tonight and do everything possible to support us and the Nationals, who have been pushing the ethanol issue because we believe it is practical, it is good for Queensland and it is good for the environment.

**Dr LESLEY CLARK** (Barron River—ALP) (7.56 p.m.): In rising to participate in the debate on the Petroleum and Gas (Production and Safety) Bill 2004 and the Petroleum and Other Legislation Amendment Bill 2004, I would like to address the competitive process for awarding exploration tenure. The production of energy from renewable resources will become increasingly important in the future.



However, the reality is that Queensland is rich in petroleum resources, and we have a responsibility to ensure that those companies which want to undertake exploration do so in such a way that delivers maximum benefit to the state.

Only through the presence of many explorers with their diversity of concepts and approach will the full potential of the state's petroleum resources be realised. If exploration levels are to increase then the state needs to provide a mechanism to enable all explorers an equal opportunity to obtain exploration acreage. The new petroleum legislation provides an open and transparent tender process for the awarding of all exploration acreage. The tender process provides the opportunity for all explorers to participate in the development of the state's petroleum resources.

Adopting this approach for all acreage represents one of the most significant changes ever implemented in the way we manage this state's petroleum resources. The tender process provides additional benefits to the state. In particular, it provides a mechanism to limit potential land use conflicts by restricting the release of any land where conflict or inappropriate land use is likely. The management of land forms a key element of the state government's approach to sustainable development. The diversity of tenure holders and resulting discoveries will provide a greater diversity in sources of gas. The resulting diversity of supply will increase competition in the supply of natural gas again to the benefit of industrial and domestic consumers. Customers will be the winners.

This legislation provides a framework that meets the needs for the future development of the petroleum industry. I note that the right to the grant of a petroleum lease for the production of petroleum, although subject to meeting specific requirements, has been retained. The retention of this right will bring comfort to the petroleum industry. However, I would like to congratulate the minister on placing an obligation on the holder of a petroleum lease to commence production. No longer can this state afford to allow its resources, especially its gas resources, to go undeveloped. Queensland is not a car park. Our mineral and petroleum resources belong to the people of Queensland, and the people of Queensland have a right to benefit from their development.

If an explorer makes a discovery that is not currently commercial then the explorer can retain access to that discovery under a potential commercial area. A potential commercial area can be declared for up to 15 years and if, after that time, the discovery is not commercial then it probably never will be. The petroleum tender holder will be required to produce a commercial viability report if it is apparent the production of petroleum is viable. The ability to require a commercial viability report should ensure that there is no possibility of production being undertaken in order to increase prices.

This report availability will provide confidence that petroleum resources are being developed for the benefit of the community. The incorporation of provisions to enable storage of petroleum, especially for third parties, will have a major impact on the future development of the state's petroleum resources, particularly those of coal seam gas. Storage will enable optimal coal seam gas production, with it being used to limit the effects of seasonal variation in demand, rather than requiring a change in the rates of production.

This legislation represents a significant turning point in relation to the framework for the petroleum industry in Queensland. This legislation provides a key element to the state government's commitment to the greater use of natural gas as a means of reducing the production of greenhouse gases in this state.

On that point of greenhouse gases, I make mention of the contribution by the member for Toowoomba South. He spent a great deal of his speech talking about the potential for ethanol production in this state as a way of contributing to the lowering of greenhouse gas emissions and of assisting the sugar industry. I attended the ethanol roadshow, as did the member, that was conducted recently. That was a joint operation between the Brazilian and Queensland governments as part of this government's blueprint for developing an ethanol industry in Queensland. It certainly has my full support.

However, it is disappointing that the opposition has presented a private member's bill in this House—the Liquid Fuel Supply Amendment Bill—in an attempt to again bring forward this prospect of mandating ethanol independently in Queensland, yet they totally refuse to acknowledge the reality of the legal constraints which prevent Queensland from doing so. There is Crown Law advice which confirms that difficulty. It seems that the opposition will not acknowledge and recognise—as everybody did when this issue was discussed during the roadshow in Cairns—that we need a national mandate. They will not take the fight up to the federal government and make John Howard acknowledge—if he is serious about supporting an ethanol industry—that we have to have a mandated 10 per cent nationally.

There is only so much that Queensland can do. It will never be enough to rely on companies such as Caltex, which is introducing E10 into Cairns, and to rely on motorists such as myself to fill up our cars with E10. It will never be enough. I am really disappointed that we cannot have a bipartisan approach where all members acknowledge that a national mandate is the only way to go if we are serious about an ethanol industry in this country and in Queensland.

I commend the bills to the House.

**Hon. K.W. HAYWARD** (Kallangur—ALP) (8.02 p.m.): In rising to participate in the debate on these two bills, I would like to address the safety and technical issues. The acts which these bills will largely amend and replace, the Petroleum Act 1923 and the Gas Act 1965, both contain extensive safety provisions. These provisions were focused on providing prescriptive rules rather than requiring safety outcomes. These new laws require industry to consider the actual hazards and associated risks of every operation under its control. The legislation requires the preparation of safety management plans which cover all aspects of safety from policy development to on-the-job work practices. It should be noted that this bill is of extraordinary breadth in its coverage of safety issues relating to the inherently hazardous business of exploration and production of petroleum and natural gas transmission and distribution pipelines. Users of gas are covered, from the large industrial gas users such as Queensland Alumina or Incitec, down to the domestic gas consumer. Also covered is the LP gas industry in industrial, commercial and domestic use, as well as the transport sector.

Under the new legislation, two positions are defined. The first, the executive safety manager, is the senior officer based in Australia of a company, possibly the chief executive. This position is responsible for safety policies and ensuring that safety management plans can be implemented. The second, the site safety manager, has the obligation to administer the safety management plan on site. There are very substantial penalties for breach of safety requirements, including penal provisions in the most serious of cases.

I am pleased that safety will continue to be administered and regulated by the Petroleum and Gas Inspectorate in the minister's department. That department's recent record in improving the safety and health of Queensland's mining and petroleum workers is exemplary. The inspectorate has been given adequate responsibilities and powers to undertake the task of auditing and inspecting operating plant, attending emergencies and undertaking investigation into accidents. Inspectors have powers of entry for the purposes of inspection of operating plant, undertaking investigations or controlling emergencies. They can also seize evidence to be used in investigations or, later, in court inquiries. The bills may also require the production of documents and other material pertinent to an investigation. The availability of all information is fundamental to understanding the cause of an incident and preventing its recurrence.

Safety issues associated with the extraction of coal seam gas are also extensively covered. These issues have been addressed to maximise the safety of both coal seam gas extraction and subsequent mining, while ensuring that the overlap with other legislation, particularly the Coalmining Safety and Health Act 1999, is avoided. When prescription is considered necessary, it has been included, such as in the installation of gas appliances where a risk-based approach would be inappropriate.

Two other technical chapters are included in the bill covering gas quality and measurement. In the case of natural gas, the quality to be specified is that contained in the recently developed Australian Standard.

In summary, in the safety and technical areas, the bill uses modern concepts of safety management, together with a pragmatic approach to prescription versus outcome-based philosophies. Both safety and other technical aspects are oriented to put the responsibility where it belongs, that is, with the industry. I commend the bills to the House.

**Mr HOBBS** (Warrego—NPA) (8.06 p.m.): I am pleased to speak tonight on the Petroleum and Gas (Production and Safety) Bill 2004. There are a number of issues that I want to cover tonight. This bill has made some significant gains in relation to the act which originally governed these matters. It certainly was in need of drastic change. The act was very old and the Mineral Resources Act was the main legislation being used for quite some time.

The purpose of the bill before us today is to establish a new competitive petroleum tenure regime. It will provide the opportunity to explore some new areas and to encourage responsible land and resource management, including identifying and addressing potential conflict issues. There are always plenty of those. It does not matter where you are or where you go; there will always be conflict when you are transgressing land. There have been various examples of that in the past, particularly in relation to oil exploration during the seventies and the eighties, where the land was criss-crossed by seismic lines, and there were enormous problems. The act in force at that time did not allow for an adequate process of consultation and for entry to land. Hopefully this bill will resolve those issues in relation to gas, particularly, and a lot of those petroleum issues that are covered under this legislation.

It will also establish and maintain best practice management regimes, covering safety and other technical activities on tenures and licences, within industry and in the general community. It will provide affected parties with the rights of consultation, review and appeal and, where applicable, compensation.

The bill regulates petroleum exploration and production activities, pipeline licensing other than distribution, and manages safety and technical matters for the upstream and downstream petroleum industries, and gas consumers.

The bill also implements a new coal seam gas regime that provide mechanisms for the efficient and effective management of the state's coal seam gas resources. It provides clarity of rights and

tenure, and deals with safety issues associated with exploring and producing coal seam gas, particularly where the interests of coal explorers and miners need to be considered, and ensures that the future safe and efficient mining of coal seams is not compromised by petroleum exploration and production activities.

As I mentioned, this legislation replaces the Petroleum Act 1923 and the Gas (Residual Provisions) Act 1965. They are both old acts and are certainly not effective in today's environment. They are very antiquated and need to be updated. The new legislation provides a statutory right to petroleum explorers and producers to take and use water. That is balanced by various obligations to restore water supplies. It allows a supply of water to third parties in certain circumstances, which is also important because the lifeblood of a nation is water. On my own property the main water supply is, in fact, an oil exploration hole that was put down probably in the late 1960s, early 1970s. It went down to quite a great depth. Eventually, we had to dig out that well again. Obviously, we had obtained all the appropriate permissions. We now use that water supply and it is very good. But it is a bit of a shame that there was not a better arrangement in those very early days so that we could have been able to use that water supply for a lot longer than we did. I have forgotten exactly how much it cost my neighbours and me—it was probably in the vicinity of \$40,000 or \$50,000 at the time and that was many years ago—but it gave us a magnificent supply of water and we still use that well. That is an example of where we could have cooperated with the original explorers and had a water supply for a lot longer. Unfortunately, that did not occur.

The legislation also encourages early and regular consultation between the parties so that the overall outcome will minimise land conflicts. It also requires the holder of each petroleum authority to compensate each owner or occupier of land for any reasonable compensable effect caused by the holder's activities. The parties enter into a compensation agreement, which may include monetary or non-monetary compensation. There are numerous situations in which land-holders are very, very happy to work in with a particular company. It may be the fact that the company grades their road, fixes their fence, or provides some sort of resource that that particular land-holder is happy with. That is what we have to do all the way through. In many instances the land may be privately owned or it may be leasehold. There definitely needs to exist a reasonable situation in which the mineral explorer as well as the land-holder can find common ground so that they can work together to get a reasonable outcome for each of them.

The legislation will also provide a uniform compensation regime for both the petroleum and the mining industries in this state. I can say that one of the easiest ways for a person to get into a fight in rural Australia is to go out and put down a bore beside somebody else's and take their water, or reduce their supply of water, or potentially reduce their supply of water. This bill tries to address those particular issues. It imposes an obligation on a petroleum tenure holder to make good the supply of water to specified authorised water users affected by the tenure holder's exercise of the tenure holder's entitlement to take or interfere with underground water. Although that sounds like a lot of words, it appears to me that they could be fairly adequate in being able to cover the issues that we face. I suppose time will tell as to whether this legislation is going to be sufficient to satisfy all the needs of the people out there, but water is the lifeblood of the nation. If some activity is going to reduce the water supply or the reliability of someone else's water supply, then there needs to be a process in place to make sure that all the parties concerned achieve a reasonable outcome.

The legislation also provides for a series of reports to be lodged by the tenure holder, starting with an underground water impact report. This report essentially determines the area and extent of impact resulting from the extraction of underground water and provides a mechanism for predicting the impact and for identifying existing bores that are affected. It is very important to make sure that the impact of what is likely to happen is known.

Part 5 of the legislation deals with the permission to enter land, which is another contentious issue. Just the other day a couple raised with me this very point in relation to a gas line that was going to go through their property. They were an elderly couple. The particular gentleman said, 'Howard, years ago I would have no problem in managing this, but I am getting on. I am 78 years old. My land is all I have left. I find it difficult to understand and manage these particular issues now. I am worried that the land that I have will be reduced in value because of this pipeline that will go through. This is all I have. This is our superannuation. I do not want to leave my family'—and his wife was as old as he was—in a situation whereby they do not have a secure future.' So members would realise from that man's experience that it is important that the management of that pipeline, the entry to the land, and compensation is very important to the people involved. They want to make sure that they are not impacted in any way.

Clause 463 of the legislation enables an applicant for a pipeline licence or petroleum facility licence or a holder of either licence to apply for a permission to enter land to exercise rights under a pipeline or petroleum facility licence in the area of the licence. This entry is not subject to a warrant. At this stage, the applicant for the permission has been unable to gain an easement or permission to enter from the owner, or to buy the land to become the owner. That clause relates to permission to exercise rights under a pipeline or petroleum facility licence. Clause 465 provides for consultation with each

affected landowner. In a sense, that is another option that is available for people to ensure that there is some continuity and sensibility in relation to this legislation.

Lastly, I want to talk about the general compensation provisions, which provide that each petroleum authority holder is liable for compensation to each relevant owner or occupier of private and public land. Debate in relation to these matters can go on for a long, long time. For instance, clause 536 states that the holder of a petroleum authority must not enter private land unless the holder owns the land or unless an eligible claimant for the land is a party to a compensation agreement with the authority holder, or an application is made to the Land and Resources Tribunal for deciding a compensation agreement. In many ways the opposition members understand these issues a lot more than does the government because we deal with these people all the time. Basically, our constituency is comprised of land-holders. In the past we have tended to find that, in many instances legislation before the House, such as vegetation management legislation, seems to give little recognition of the rights of landowners. I believe that this legislation is a better vehicle by which to recognise that right. I certainly hope that this legislation will make it better for those people out there.

**Mr MULHERIN** (Mackay—ALP) (8.19 p.m.): In rising to participate in the debate on the Petroleum and Gas (Production and Safety) Bill 2004 and the Petroleum and Other Legislation Bill 2004, I want to address the coal seam gas regime and all of its promises for Queensland's economy. The bills will implement a new coal seam gas regime for Queensland which will support one of our fastest growing and most promising industries. Coal seam gas production has continued to grow and provides about 30 per cent of Queensland's gas demand. We have seen it move from an emerging sector in the late 1990s to an integral part of our petroleum industry. The coal seam gas regime will provide mechanisms for the efficient and effective management of the state's coal seam gas resources.

The objectives of the regime are to provide clarity of rights and tenure and to deal with safety issues associated with exploring and producing coal seam gas, particularly where the interests of coal explorers and miners need to be considered. It will also ensure that the future safe and efficient mining of coal seams is not compromised by petroleum exploration and production activities. Keeping these objectives in mind, it is the state government's desire to optimise use of the state's coal seam gas and coal resources. The bills place a strong emphasis on consultation and negotiation between overlapping tenure holders with a view to reaching commercial agreements about coordinated development of these two resources. Negotiation and consultation are actively encouraged in the proposed legislation, with every opportunity provided for parties to reach agreements. Where agreements cannot be reached, the bills put processes in place to ensure that the best resource management decision is made before any production lease is granted.

A key part of the regime is the preference decision process that will come into play when a mining lease or petroleum lease is applied for on an overlapping exploration tenement. If the parties cannot reach agreement between themselves, the preference decision process is triggered. This process initially requires consultation and negotiation between the parties on the content of the lease applicant's proposed development plan and safety management plan. However, a preference decision will only be required under certain circumstances. The underlying tenement holder must confirm that they have reserves and resources. These reserves and resources will need to be identified to a level of confidence that supports the commercial production of the petroleum or coal. If there is an insufficient level of confidence to support the commercial production of petroleum or coal, then there is no reason for the Land and Resources Tribunal to consider whether a preference decision should be made. Where reserves and resources have been identified and a preference has to be made, the matter will be referred to the Land and Resources Tribunal as an independent umpire for it to make recommendations on the preference decision.

The bills provide very clear criteria about the factors to be considered in making the preference decision and when it can be made. The matter can be withdrawn from the Land and Resources Tribunal at any time the parties come to a negotiated commercial agreement. The new legislation contains mechanisms to bring current petroleum tenures into line with the new coal seam gas regime. This will ensure that the regime can be effectively applied to all tenures and that all tenures are subject to the same rules. I am confident that the bills provide a balanced and comprehensive solution to a difficult and complex issue. This legislation will allow coal seam gas and coal production to develop together within a clear and certain legislative framework. These bills will see the continued development of the coal seam gas industry in this state. The development of this industry will assist in the reduction of greenhouse gases in this state while ensuring a secure energy supply. I commend the bills to the House.

**Mr LANGBROEK** (Surfers Paradise—Lib) (8.23 p.m.): I am pleased to rise in this place this evening to support the Petroleum and Gas (Production and Safety) Bill 2004. This bill has a number of positive attributes. However, I also want to take this opportunity in the House to outline the relevant parts of the bill that the Liberal Party will be watching the implementation of with great interest. I want to begin by congratulating the minister for bringing forward a bill that, from what is presented, strikes a reasonable balance between the need for further industry in Queensland and creating a cleaner, more sustainable approach to industry and its relationship with the environment.

This bill recognises the extensive potential of coal seam gas by ensuring that it will be harnessed whereas before CH<sub>4</sub> or methane was let into the atmosphere. Coal seam gas has enormous potential and, as has been mentioned many times before, has a great capacity to take up the burden of Queensland's gas needs. This is evidenced by coal seam gas now accounting for 27 per cent of the state's gas needs, up from four per cent in 1998. This 27 per cent is set to increase further as there have been advancements made to current power facilities to accommodate gas. One such facility is the Townsville gas-fired power station which has recently been refitted to accommodate coal seam gas and hopefully will be fully operational soon. The balance with the environment is also a very significant plus to coal seam gas production and use. As opposed to coal-fired electricity, coal seam gas is a much cleaner form of power and undoubtedly will lead to a reduction in greenhouse gas emissions. This means that as Queensland moves into the future we will be able to use the wide benefits on offer from coal seam gas and at the same time keep to an environmental regime that is sustainable.

Some of the new provisions in this bill provide a good basis for the coal seam gas provisions. The further development of coal seam gas as a resource on which Queensland can base its future energy distribution is important. This is achieved through this bill by providing an efficient and clear outline of the rules and expectations of those involved in the industry. As with all of these things, though, the government has its responsibilities as does the industry, and I want to make it clear that the Liberal Party will be watching to make sure that these responsibilities are fulfilled. The other very important issue in this new legislation is that of safety. The safety of workers and workplaces is very important, and the Liberal Party will always support measures that move to responsibly improve the safety of workers. The provisions in this bill, most notably those regarding inspectors, do improve the safety of workers while not being a hindrance to the industry.

The two aspects of the bill that require some attention, though, are the competition and compensation aspects. First with regard to the new provisions to allow for greater competition in exploration tenures, it is not that we are against the new competition provisions; it just flabbergasts me that the Labor Party can stand here advocating competition. It is akin to a Victorian saying that they are happy to see interstate sides win the AFL flag. For the Labor Party to be standing here advocating competition rather than a greater level of government control is very welcome, however. The Premier said in this place earlier in the year that the Liberal Party should keep following the Labor Party for our electoral success to improve. Well, based on this sudden ideological shift to greater competition, I must say that maybe it is the Labor Party that is following the Liberal Party. Welcome aboard the free market train, Minister! We are happy to sell more tickets to these members opposite!

On a slightly more serious note, the Liberal Party will be watching closely to ensure that the set of rules laid out for compensation delivers a fair and equitable level of compensation to those affected. Though this bill represents an improvement on the previous compensation schemes, we will have to wait to see if these provisions can be improved after the implementation of the bill. Once again, the Liberal Party supports this bill in its attempts to harness the positives to come from coal seam gas exploration. However, we will be watching closely at some of the provisions in the bill.

**Mr WILSON** (Ferny Grove—ALP) (8.27 p.m.): In rising to participate in the debate on the Petroleum and Gas (Production and Safety) Bill 2004 and the Petroleum and Other Legislation Amendment Bill 2004, I want to address the issues that affect the owners and occupiers of land. It is important to recognise that the exploration and production of petroleum can only occur by the intrusion of these activities into the lives of owners and occupiers of land. In preparing this legislation, I understand that the need to improve communication between owners and occupiers of land and the petroleum and pipeline industries was highly recognised. The legislation encourages communication from the start by placing an obligation on the petroleum authority holder to consult with the relevant owners and occupiers. This consultation is intended to ensure that all parties understand the likely impacts the authorised petroleum activities may have. This understanding is intended to foster a cooperative approach that will result in a long-term harmonious relationship between the parties. However, it is recognised that owners and occupiers need to be adequately compensated for the presence of authorised petroleum activities on their land.

The determination of compensation principles requires a very delicate balance between ensuring adequate compensation for owners and occupiers while not introducing disincentives to the petroleum industry. The compensation provisions in the Petroleum Act 1923 were in need of review to align them with current community expectations and standards. The compensation provisions in the Mineral Resources Act 1989 have served the state well in facilitating the development of the mining industry. The adoption of these provisions, with minor amendments, provides a uniform set of compensation provisions for both the mining and petroleum industries in this state.

I believe that the new provisions will provide a fairer basis for assessing the value of the impact of authorised petroleum activities. In particular, the reduction of the value of land as a consequence of authorised petroleum activities is an important new principle. Although the expansion of the compensation provisions may be of concern to industry, the adoption of the provisions used in the Mineral Resources Act 1989 means that the law in relation to the principles for assessing compensation is well established. We are not reinventing the wheel. The adoption of these familiar heads of

compensation should encourage negotiation of agreements rather than litigation when the new principles come into effect.

I note that the legislation extends the right to compensation to all circumstances where entry is made onto land. This extension ensures that the rights of the owner and occupier are always protected when authorised petroleum activities are undertaken. The requirement that compensation be addressed before authorised activities are undertaken ensures that there is a clear understanding and agreement between the parties. I am pleased that there are specific provisions that apply in relation to entry onto public land and I believe it is important that public land authorities have the power to set reasonable and relevant conditions on entry. The ability to set conditions ensures that public land authorities can maintain the overall integrity of the land for which they are responsible.

Also, the petroleum authority holder has been given the right to cross over land in order to undertake activities in the area of their authority. The ability to cross over land is particularly important for pipeline construction, as a pipeline licence is for a corridor of land. The rights of the landowner and occupier in relation to this crossing are clearly defined, with notice of entry and compensation applying. The consultation obligation and compensation regime incorporated into this legislation provides a better deal for owners and occupiers affected by petroleum activities. Therefore, I congratulate the minister on his decision to incorporate the new compensation provisions into this legislation. I am delighted to be able to commend the bills to the House.

**Mr ROWELL** (Hinchinbrook—NPA) (8.32 p.m.): We must recognise the significance of petroleum around the world. When we look at what is happening within the petroleum industry and the dependence that we have on petroleum products, it is extremely important that we capitalise on every opportunity that we are given. In rising to speak on these petroleum and gas bills, firstly I have to say that the supply of coal seam methane gas to Townsville will be extremely important. I will go into that in more detail shortly.

Australia must deal with the diminishing availability of oil and gas by coming up with an interesting method of providing a valuable source of energy. Gas has the ability to deliver that need. Recently, Queensland had not kept up to date with new geological information and mapping processes by providing adequate funding to ensure that the state can address all the necessities of exploration. Years ago many countries in the world captured this process of extracting coal seam methane, and the survey concluded that Queensland has significant untapped resources just waiting to be capitalised. Vast improvements have been made in the extraction processes for gas, which is taken from the fissions in the coalfields. This method has the side benefit of providing a valuable water resource via the bore that is drilled for the coal seam methane gas extraction.

I turn now to look at the opportunities that will be made available to Townsville as a result of the provision of coal seam methane gas by a pipeline. In 1996 the state government signed contracts enabling the construction of two peaking electricity generating plants in Townsville. One of those plants was the Transfield 159 megawatt generator at Yabulu near Townsville, which was commissioned in 1988.

The Yabulu generator was initially constructed as a liquid fuel generator capable of being converted to gas, thereby operating within a much higher capacity range. The generator at Yabulu is owned by Transfield, with a capacity of 160 megawatts fuelled by Jet A1 fuel and is used in peak load periods only. Siemens have been selected by Transfield to complete the conversion to gas. The capacity of the generator after the conversion is expected to be 224 megawatts.

Townsville and Thuringowa are expanding rapidly. There is a need for additional energy, and if we do not provide it we will not attract business. That is the issue that we have to recognise. Energy is one of the primary requirements of many businesses. Unless we provide additional energy over the basic needs of an area, we will not attract industry into those areas.

Transfield Townsville Pty Ltd, a member of the Transfield group, is the owning entity of the power station at Yabulu. Transfield Townsville Pty Ltd borrowed some \$140 million from the ANZ, Westpac and RBS Australia to finance the conversion and expansion of its Yabulu generating facility. Clearly it was essential that that level of extra investment be supported by the generating entity gaining access to a base load electricity market.

The Queensland Energy Policy released in May 2000 carried a requirement that electricity retailers and wholesalers sourced 30 per cent of their electricity supply from gas-fired generation from 1 January 2005. During 2001-02 Enertrade was selected as the preferred developer for the conversion of the liquid fuelled Yabulu power generator to a gas-fired operation. Upon completion, the generator's output would be changed from a peak load generator that was seldom utilised to a base load operation that would be more extensively used. I am aware that the construction of conductors are currently well down the track of being completed. They are going right into the heart of Townsville and Thuringowa.

The provision of natural gas to the Yabulu generator is secured by Enertrade's construction of a 360-kilometre gas pipeline from Moranbah to Yabulu. This is the first time that Enertrade has engaged in the development, construction and operation of an asset. This asset development would then increase

the scope of Enertrade's commercial activities to include the supply, processing and marketing of natural gas, thereby making Enertrade a natural gas company in addition to a merchant electricity generator. This is really quite significant.

The actual supply of the essential methane gas is by a company known as CH4, which was formed in 2000. This company acquired from BHP Billiton exclusive coal seam gas exploration rights over an area of 8,100 square kilometres. Upon exploring for and providing probable reserves, CH4 was granted a production lease for coal seam gas. The gas field near Moranbah operated by CH4 is using innovative drilling and gas extraction technology. CH4 commenced its drilling program in August 2003 and signed an agreement with Enertrade in July 2004 to supply the latter entity with coal seam gas, that is, methane gas from January 2005. CH4 will operate the gas compression and dehydration facility near Moranbah, selling its gas to Enertrade, which will transport it to Townsville via its 360 kilometres of pipeline. The pipeline is owned by Enertrade, which has contracted Guthrie, Hosking and Davies to design the pipeline and a Thiess-Nacap joint venture to construct it. These three entities spent 14 months negotiating with traditional landowners resulting in three indigenous land use agreements being entered into. Of course I am aware that they crossed many blocks of freehold land and there were some contentious issues relating to acquiring the rights to get through those areas. Finally, it is getting very close to completion.

The leading agencies for the pipeline development are Treasury and Enertrade. Work on the gas pipeline commenced in June 2002. The project was declared a significant project under the State Development and Public Works Act, which required the publishing of an environmental impact study. Enertrade was selected as the preferred developer of the pipeline in February 2002 from 18 bidders for the project. The project is said to be on schedule, with the Transfield power station expected to be providing methane gas fired electricity on a commercial basis early in 2005.

I understand that the pipeline is almost completed. I know that we are getting very close to the testing process. Companies such as Sun Metals are also interested in being provided with a cheap source of energy. Of course, the main issues are the availability and the cost of the electricity. These are important ingredients in the future development of these types of projects. QNI, which is very close to this generator at Yabulu, will no doubt be using it for some of its firing processes in the expansion currently taking place which will cost some \$450 million. That is a very significant project. Something like 90 permanent employees will be involved in it. QNI is certainly going full steam ahead with the project. I believe that massive work will be done on that project in the earlier part of next year.

Of course, these projects are not without a few complications. Some residents in the area I represent are affected by the pipeline. They provided a non-conforming petition which I probably sent to the wrong minister. I will certainly send a copy to the Minister for Natural Resources and Mines.

**Mr Robertson:** It might be a bit late now.

**Mr ROWELL:** I ask the minister to listen to what they have to say. The petition states—

We undersigned residents of Blackriver Road demand that you instruct the Mines and Energy Department to instruct the gasline company known as ThiessNacap Joint Venture Brisbane to install all the necessary safety infrastructure for the safety of the residents of the Blackriver Road with the construction of the Moranbah to Yabulu coal gas pipeline. This includes a 100mm water supply line with fire hydrant access.

The petition also talks about foam for gas line blowout and fire.

**Mr Wallace:** I'll get them the water.

**Mr ROWELL:** We know about you and the water. It is a lot of hot air—so far, anyway.

**Mr Wallace** interjected.

**Mr ROWELL:** We are not talking about the water; we are talking about the security they want in the event of a gas fire. They have put forward this non-conforming petition and I raise it with the minister. I will provide the minister with a copy of the petition.

I turn to alternative forms of energy. No doubt ethanol is a major issue. A few people have spoken about this during the debate. The option for the sugar industry is particularly interesting. There are also options for the grain industry by supplying sorghum. I know what is proposed in relation to the Dalby plant. A lot of advance work has been going on there. The group has certainly been very active in trying to get an ethanol plant that will be based on grain, principally sorghum.

The Premier did take a trip to Brazil. He recognised the options for the sugar industry in relation to ethanol. The ethanol content in fuel in Brazil runs at well over 20 per cent. Sometimes it goes to 26 per cent. It fluctuates a little according to their needs as far as disposing of sugar, providing ethanol, the price of oil and a whole combination of factors. Brazil's industry is particularly flexible. It has cars that run on what is called flexifuel. It can certainly reduce the flow of oxygen into the injectors. As a result the cars can run on zero to almost 100 per cent ethanol. That is what ethanol is all about. It is the oxygen that assists greatly with combustion and can certainly reduce the carbon levels that go into the atmosphere.

With oil prices sitting at around \$US45 a barrel—they go up and down; I think they are well above that at present—it is imperative that we find a renewable source of energy. I think ethanol is that energy that is so important to Queensland in terms of rural industries and health issues, with putting higher than normal carbon levels into the atmosphere. I think there are some great opportunities and we need to look at them very closely.

I heard people talking about our bill and the previous bill we brought to the House. I cannot talk about the current bill, but the previous bill did allow for a mandated level of ethanol in Queensland. We firmly believe in that. We should not mind about the other states or about Australia and what they want to do in relation to a mandate. We can do it in Queensland. That is the way it used to happen here. It seems that we look for every excuse not to do it. It is unfortunate that we are not getting on with the job. If we did that we could certainly reduce our dependence on fuel oils, whether vehicles are run on gas—a lot of taxis run on gas—or on petroleum based products, which would certainly be the majority of cars around the state. A 10 per cent blend would not hurt 99 per cent of the vehicles that are out there.

Of course, we had Ethyl running up and down the coast. I thought it was great. I supported it very strongly. In fact, I wrote to the Premier to fill him in on some of the gaps—it was really only going to stop in Cairns, Townsville, Mackay, Bundaberg and Brisbane—to ensure we got full coverage along the coastal strip. Let's face it: the sugar industry is pretty much along that strip. The opportunity was there to show people what ethanol is all about. Admittedly it was based on the Brazilian experience, but I believe that experience could certainly be used here in Queensland. Brazil has a lot of expertise and a lot of flexibility in its industry. That is exactly what we need, with our sugar industry in particular. I suppose if we see some very good seasons with grain we will certainly need to look at other opportunities there. I know that there is concern on the part of the feedlotters about the supply of grain to an ethanol plant, that it would push the prices up and so on, but we also have to look after the farming community that is very dependent on what they do.

There are some other great opportunities with ethanol, particularly with bagasse.

**Ms Jarratt:** Relevance!

**Mr ROWELL:** This is very important.

**Ms Jarratt** interjected.

**Mr ROWELL:** We are talking about petroleum. Government members should listen to what I have to say. They might learn something. I want to talk about the extraction of ethanol from bagasse, because this could make the difference. You people should listen, because you know very little about the whole process. I am going to inform you.

**Mr DEPUTY SPEAKER** (Mr Fraser): Order! Member for Hinchinbrook, you will address your remarks through the chair.

**Mr ROWELL:** I will inform these ill-informed people of what we can do to extract ethanol from bagasse. The important thing about bagasse and getting ethanol from it—

**Ms Nelson-Carr** interjected.

**Mr DEPUTY SPEAKER:** Order! Members are not going to engage in conversation. The member for Hinchinbrook will address his remarks through the chair and I remind members not to interject.

**Mr ROWELL:** I refer to the extraction of ethanol from bagasse, using the cellulose material. The US is working very closely on some enzymes through Novozymes Biotech's conversion of cellulose to glucose. At present it has reduced the cost 10 to 12 times. If the cost can be reduced further we will see a more efficient technology for extracting the likes of ethanol out of bagasse. That is going from the cellulose material to glucose.

**Mr Malone:** Or woodchips.

**Mr ROWELL:** Or woodchips or a whole range of things. I really do want to address this issue because it is quite important. If we get an efficient enzyme technology, which the US Department of Energy is now involved in, what we could see is the actual cost of ethanol reduced considerably. If that happens it will make the industry more efficient in producing ethanol.

**Mr Malone:** It could be as cheap as fuel.

**Mr ROWELL:** It could be getting down to the price of fuel. It depends on excise and those sort of things. They might not be quite as high. Of course, there is another process called the acid process which hydrolyses the cellulose material in water to produce sugar from the ethanol fermentation process. The sugar industry could be a major beneficiary of this technology. We need to do these types of things. I am sure the ministers are listening to what I am saying very intently, and I am sure that they will be taking up this information because it is important that we get an ethanol industry going in Queensland. We can do it. All we need is the will of government members to do something about it. Never mind about all the rhetoric. Because we introduced something which had some sound principles about it—something that could be adopted in Queensland—the members opposite are saying, 'Oh, no,



we don't want to support that.' That is extremely disappointing because there are many pieces of legislation like this legislation that we support the government on.

If a good idea comes up, if there are some prospects of succeeding, why don't we go ahead and do it? That is the challenge that government members face. That is the challenge that the Minister for Employment and Training should be looking at because these ethanol plants could provide jobs. There would be many hundreds of jobs—

**A government member:** I know more about ethanol than you—

**Mr ROWELL:** Many hundreds of jobs.

**Mr Malone** interjected.

**Mr ROWELL:** Probably through a straw, Minister, if I am not too much mistaken. But there could be many hundreds of jobs provided. The minister can continue on, and he does quite a bit of it from time to time, too.

**Mr Schwarten** interjected.

**Mr ROWELL:** I know that it is extremely important, not so much for just the alcohol content—which the members opposite are more interested in—but for providing a sound industry in Queensland that we could really sink our teeth into. It could provide jobs, provide opportunities and provide renewable energy. The minister knows all about it. Why doesn't the minister go ahead and do it, because this is a golden opportunity to do something for Queensland. This is an opportunity that should not be missed.

Time expired.

**Mr DEPUTY SPEAKER** (Mr Fraser): Before calling the member for Whitsunday, I should say that a lot of latitude has been given by deputy speakers tonight about the range of topics that have been spoken about under this bill. I remind members that the Liquid Fuel Supply Amendment Bill is on the notice paper, and you could be fairly said to be reasonably anticipating that debate. Future speakers might want to restrict their remarks to the bills that are before the House tonight.

**Ms JARRATT** (Whitsunday—ALP) (8.52 p.m.): It is with great pleasure that I rise to actually speak on the Petroleum and Gas (Production and Safety) Bill and Petroleum and Other Legislation Amendment Bill, which are being debated as cognate bills tonight. I appreciate the latitude that Mr Deputy Speaker gave the previous speaker, the member for Hinchinbrook, because he is passionate about ethanol. But during my reading of the two bills that I have just mentioned I did not see one reference to ethanol or bagasse, and maybe the member for Hinchinbrook has some confusion between bagasse and natural gas, I am not sure. This is a really important bill because, as incredible as it might sound, this is the first comprehensive reworking of petroleum laws in this state for more more than 80 years. This legislation will result in not only the first legislation of its kind in Australia, but also the most innovative and industry responsive legislation that exists possibly in the world. Realistically, we know that the demands for petroleum and gas—

**Mr DEPUTY SPEAKER:** Order! There is too much audible conversation. The House will come to order, please. The speaker will be heard.

**Ms JARRATT:** Thank you, Mr Deputy Speaker. I am actually here speaking on the petroleum and gas bills tonight. Realistically, as I was saying, the demand for petroleum and gas is only going to increase in line with the population growth in this country and this state. It is incumbent upon us as a government to ensure that our resources are developed, managed and regulated in a fair and transparent manner that promotes both safety and certainly as far as possible. That is exactly what these bills set out to do.

For the first time there will be full competition for the awarding of all exploration tenure or authorities to prospect, upon which application can be retained for a period of 15 years. Strict compliance conditions are built into that tenure. The right to the grant of a production tenure, or a petroleum lease, is preserved, and should this option be taken up it will exist for a maximum of 30 years and have specific requirements attached to the tenure. The underlying purpose of this regime is to create greater certainty for explorers and developers which will encourage investment as well as providing clear rules, rights and obligations that promote cooperative development of our petroleum and gas resources.

The Petroleum and Gas (Production Safety) Bill contains a specific chapter to deal with the complexities surrounding the exploration and production of coal seam gas. While I know that there has been quite a bit of detail given about coal seam gas in this chamber tonight, I do want to focus on this aspect of the bill for a few moments, if the minister could bear with me, because I see that this is a really exciting development that is situated not far from my electorate.

This focus has become necessary because coal seam gas has only recently become a commercially viable commodity due to the vast improvements in drilling technology and extraction techniques.

**Mr Rowell** interjected.

**Ms JARRATT:** I am sorry, perhaps the member for Hinchinbrook wants to add a little bit more about ethanol to the debate. I would be happy if he wanted to do that, but perhaps the time to do that might be in consideration in detail rather than while I am giving my address to the House.

The biggest and most exciting of these coal seam gas projects is emerging at this very moment near Moranbah, which is just 170 kilometres west of Mackay. The \$61 million project, though still somewhat in its infancy, is already using state-of-the-art technology to extract gas, mostly methane, from coal seams. Traditionally, this gas was either burned or released to the atmosphere. In the not too distant future, the natural gas from the Moranbah fields will be transported by a pipeline to Townsville to provide fuel for a gas-fired power station.

Not only is this activity good because it supports the development of new technology, or its significant contribution to jobs growth in Queensland, it is also good for our environment. Let me explain. While it is true that coal seam gas is categorised as a carbon based fossil fuel, it produces less greenhouse gas than coal or oil and is cheaper to extract. In addition, given that traditionally this gas would be either burned or released as a by-product of coal mining, it stands to reason that capturing and using the gas to supplement our energy resources adds value to the production chain and replaces, to some extent, the burning of coal for energy production. A good example of this is the construction, as I have already mentioned, of the gas-fired power station in Townsville, which is due to come on line early next year. The power station will be fed with coal seam gas out of Moranbah.

The potential also exists to extend the provisions of natural gas from the Moranbah area to link into existing networks that deliver gas to Gladstone, Brisbane and other centres. For the first time the issues surrounding the exploration, capture and delivery of coal seam gas have been acknowledged and responded to in a legislative form, and in a way that clearly defines the rights, obligations and priority for each party where gas and coal mining tenures overlap.

I am also pleased to note that this legislation provides for the regulation of safety issues in a way that requires industry to demonstrate safe working policies and performance. Land-holder concerns have also been addressed. These bills provide for a uniform set of compensation provisions for the petroleum and mining industries in this state. I think this legislation is indeed landmark legislation for the future of this state. It epitomises what we are about in the Beattie government and in the Smart State—moving into the future.

I commend both the minister and his department for this rather complex but very necessary response in legislative form. I commend the bills to the House.

## ADJOURNMENT

**Hon. S ROBERTSON** (Stretton—ALP) (Minister for Natural Resources and Mines) (8.59 p.m.): I move—

That the House do now adjourn.

### Toowoomba Carnival of Flowers; Quarry Gardens

**Mr COPELAND** (Cunningham—NPA) (8.59 p.m.): This weekend has just seen the conclusion of another successful Carnival of Flowers held in Toowoomba. Toowoomba is well known right around the country for its Carnival of Flowers and, indeed, the image of being the garden city. That image has been strongly worked on by both local government and state representatives for a very long time. More importantly, the community gets right behind it. It has been one of the most positive marketing images for any Queensland city. It has meant that Toowoomba has a real tourism base that is based on the gardens and the excellent parks in Toowoomba. That tourism is not based just around the event of the Carnival of Flowers—which is, of course, one of the biggest events in Toowoomba for the entire year—but Toowoomba is a base for tourism year-round.

An awful lot can be done to expand on that image and on that tourist potential in Toowoomba. It is high time this government put some effort into supporting the people of Toowoomba and the Darling Downs by contributing funds to the very exciting proposal of the Quarry Gardens. At the state election in 2004 the coalition committed \$20 million to the construction of the Quarry Gardens in Toowoomba. Indeed, it was the second time we had made that commitment, having also made it in 2001. Unfortunately, the Labor government has not yet come to the party.

I implore the member for Toowoomba North to join both the member for Toowoomba South and myself in our support of this project, of the Toowoomba City Council and, most importantly, of the people of Toowoomba. The Quarry Gardens concept is a very, very exciting one for the people of Toowoomba. It would put Toowoomba on the map internationally and build on its very positive garden city image. The Quarry Gardens concept is an expansive one. The location of the former quarry in Bridge Street is an absolutely spectacular site. It overlooks the Lockyer Valley and it is a magnificent site.

It will be a difficult project to bring to fruition. It will not be cheap. I think the figure is around \$65 million over 25 years. The Toowoomba City Council has already built into its forward planning a contribution to that figure. It needs the assistance of the state government. The coalition has previously made that commitment and will continue to work to try to get that. I urge the state government to support the Quarry Gardens because it is a fantastic proposal. It would be one of the pre-eminent gardens in the world. It would provide an international tourist facility in Queensland that would benefit all of Queensland. It would provide a new market for tourism in Queensland and it would certainly be of fantastic benefit to the people of Toowoomba.

I pay tribute to all those people who have been involved in continuing to push this project for so long, including the Friends of the Quarry Gardens. The Friends of the Quarry Gardens is a volunteer organisation which has done a lot of work in promoting the Quarry Gardens and answering a lot of questions from residents—for example, the need for water. The Quarry Gardens proposal is very self-sufficient in its water use. That is one concern that has been raised with me. It is a fantastic concept and I urge the government to get behind it and support the member for Toowoomba South and myself.

### **Fire Awareness Week**

**Mrs CARRYN SULLIVAN** (Pumicestone—ALP) (9.02 p.m.): Fire Awareness Week was held in August and both the Caboolture and Bribie Island stations participated in a number of public events designed to make the community more aware of the dangers of fire. Bribie Island Fire Station ran an open day with the help of the Toorbul Rural Fire Brigade, with activities designed for families. The Caboolture station ran a poster competition at the Minimbah State Primary School. Students embraced the theme What Have You Got To Lose? Close to 200 posters were created, with every grade participating which, in the words of acting principal, Kate Abernethy, was typical of the enthusiasm of the students. She said that the children showed great interest in the firemen's talks on the dangers of fire and went to extraordinary lengths to highlight the theme on very detailed and creative posters.

I, along with three Caboolture station firemen, Station Officer Rowen Clem, Kevin Devitt and Brian Strong, had the difficult task of judging the posters. They were divided into three categories—grades one to three, grades four to five and grades six to seven. We chose a first, second and third for each category, and because of the high standard of the posters, we decided to give a number of highly commended and commended awards as well. Winning posters were displayed in the Caboolture Public Library as part of Fire Awareness Week. The Caboolture Fire Station has sought permission to use them in future awareness programs. My electorate office has proudly displayed the posters for several weeks.

Poster winners from years 1, 2 and 3 are: 1st, Alex Cooper; 2nd, Kody Farnell; 3rd, Melinda Shaw; highly commended, Michael Garris; commended, Tony Ainsworth; commended, Michael Bower; commended, Tora Cassey Currie.

Poster winners from years 4 and 5 are: 1st, Elizabeth Croft; 2nd, Jacinta Lal; 3rd, Kristylee Pampling; highly commended, Rebecca Ashman; highly commended, Kristen Jackson; commended, Shannon Jones; commended, Nick Noyce.

Poster winners for years 6 and 7 are: 1st, Sarah Mitchell—who also won the judges' award; 2nd, Frankie Taplin; 3rd, Roxanne Griffiths; highly commended, Toni Kavanagh; highly commended, Renee Beardmore; commended, Renee Henningsen; commended, Darlene Cooke.

Prize winners and their families were invited to attend a sausage sizzle where I helped present certificates and sample bags from the Queensland Fire and Rescue Service. I also managed to obtain enough fire engine badges, equipped with flashing lights from Bluey Day, to award to the first, second and third poster winners. I congratulate all students who participated in the poster competition and I thank all those at the school who assisted in making it so successful. It is the first time that Minimbah Primary has been involved and it is a credit to them.

I would also like to pay tribute to the amount of effort the local fire services put in—in their own time—to make Fire Awareness Week memorable. I was able to visit both the Caboolture and Bribie Island fire stations on the Saturday as a culmination to Fire Awareness Week. I was very impressed by the number of firemen and women, both urban and rural, and the auxiliaries prepared to be involved to make the week one to remember.

### **Gold Coast Polo Club; TS Tyalgum Naval Cadets**

**Mr LANGBROEK** (Surfers Paradise—Lib) (9.05 p.m.): Earlier in the year I was privileged to attend the Queensland state polo championships at the magnificent new Gold Coast polo and country club in Oxenford on the northern Gold Coast. The event was very well attended and was a tribute to the wonderful facility, which has finally brought a world-class equine centre to Queensland. The facility is run by Ginger Hunt and brings another diverse events, with associated benefits and spinoffs, to the events city, the Gold Coast. The new facility is wonderful, boasting world-class features such as a 15,000 square foot clubhouse with a five-star restaurant and breathtaking views of the Gold Coast hinterland.

The field itself is also amazing. It was explained to me on the day that the field is seeded with the latest Bermuda couch grass and is laser levelled, thus making for a very smooth and free flowing game. The facility also houses tennis courts, a pool and 118 stables. The centre is truly amazing and I urge members to go out and have a look at upcoming events at the club.

Equestrian is not just a sport for the high society set. This was evidenced by the eclectic crowd in attendance, including my children, Bronte and Piers, who enjoyed having their faces painted and the pony rides.

Equestrian has one of the longest and most colourful Olympic histories. It was first staged at Paris in 1900 and in 1952 it was one of the first sports where women and men competed against each other. In Athens, fellow dentist, Ricky Macmillan—who graduated from university with me in 1983—came 37th in the dressage and represented Australia with distinction. It was well worth burning the midnight oil to watch her and I congratulate her on her efforts.

On the same weekend, I was similarly privileged to attend the annual inspection of the TS Tyalgum naval cadets. The naval cadets at the training ship Tyalgum are widely regarded as one of the finest cadet units in Australia. Each year, every cadet unit is inspected for efficiency to determine the most efficient Australian naval cadet unit in the state and, subsequently, in Australia. In two of the last seven years, 1997 and 2002, training ship Tyalgum has won the honour of being the most efficient unit in Australia. On two other occasions in that period, 2001 and 2003, the unit has been named the most efficient unit in south-east Queensland.

The cadets were wonderful at this year's inspection. The unit is a credit to their commanding officer, Christine Sheppard, and to themselves for the hard work and commitment they show week in and week out. I look forward to continuing my association with training ship Tyalgum over the coming years and I encourage all of the cadets to pursue their passions for the water and for the defence forces.

### **“The Settlement”, Springbrook**

**Mrs REILLY** (Mudgeeraba—ALP) (9.08 p.m.): The most challenging aspect of representing a rapidly growing Gold Coast hinterland seat is balancing the need for growth and economic development with the need to conserve and protect lifestyle, amenity and environment. The government's decision regarding the future of the Settlement property at Springbrook, announced last week, strikes that balance. After almost a decade of speculation, division, consultation and uncertainty, we now have a result which strikes the necessary balance. By declaring the Settlement property national park and enhancing facilities for visitors and community members, the Beattie government has ensured that the environmental values of the land will be protected for generations to come.

I, like many members of the community and key stakeholders, had become impatient with the long and protracted process undertaken to reach a conclusion on the fate of this land and its tenure and future uses. However, I recognised throughout it all that we were dealing with a small parcel of land, only 380 hectares, which bordered existing World Heritage listed national park and the city's water catchment. That is why we had to get it right and that is what we have done.

The government has made a real commitment in the form of \$880,000 to reallocate and improve camping facilities, replace septic toilet facilities with environmentally sound facilities, provide day use facilities, improve safety for visitors and walkers, and establish an interpretive centre.

The Settlement has been a contentious property from the start since it was purchased from private landowners by the state government under the Regional Open Space Scheme in 1995. There have been many and varied views on what should happen with the land. Since my election in 2001, my staff and I have worked tirelessly to make sure that all sides of the debate on this issue were equally represented and that all stakeholders—from local community members to conservation groups—had their say and their views considered.

I always held the view that a solution could be found that would meet the views and needs of all of these stakeholders. The decision announced last week does just that. No decision by government ever meets the desires of all stakeholders in relation to any issue 100 per cent, but this decision comes close. Importantly, land purchased with taxpayers' money will be retained in public hands for the enjoyment of generations to come. It will be protected and enhanced under the auspices of the national parks system and maintained and managed by Queensland Parks and Wildlife officers. The Oval will remain accessible for low-impact activities—for use by local residents and visitors alike—to toss around a ball, to play a friendly game of cricket or to walk, picnic or throw a frisbee.

I want to thank the Minister, Desley Boyle, for her prompt attention to the issue; the previous minister, John Mickel, for his careful deliberation; and the former Environment Minister, Dean Wells, for his unfailing commitment to seeking a result in collaboration with all stakeholders. But I particularly want to thank the community members, residents and representatives of organisations who so passionately and, for the most part, patiently put their case to me and to the government over the years. They include but are not limited to the members of the MAC—the management committee—particularly the chair,

Peter O'Reilly, GECKO, the Springbrook Wunburra Progress Association, the Springbrook Mountain Community Association and many others.

Time expired.

### **Toowoomba Turf Club**

**Mr HORAN** (Toowoomba South—NPA) (9.11 p.m.): For many years the Toowoomba Turf Club has not only contributed greatly to the social event of racing in Toowoomba and the Darling Downs but also has been a major contributor to south-east Queensland. With some 600 horses always in work in Toowoomba, it has been the Toowoomba training establishment. The Toowoomba thoroughbred industry has provided many of the runners to metropolitan tracks and the other major provincial tracks.

This past financial year, the Toowoomba Turf Club has made a profit of \$209,000, which is a real credit to the committee for the way in which it runs that club so efficiently. That is after allowing some \$110,000 for depreciation. The Toowoomba Turf Club has only eight per cent of its races with fewer than eight runners per race. The Queensland state average is 16 per cent. That is a real testimony to the administration of the club, the popularity of the club and the popularity of the track.

There is a real inequity in Queensland Racing when it comes to the way in which the Toowoomba Turf Club is provided with funding for the races and the number of races that are held there each Saturday. All the other provincial TAB clubs in Queensland—that is clubs like the Sunshine Coast, Gold Coast, Mackay, Rockhampton and Townsville race clubs—are fully funded for eight races per meeting. The Toowoomba Turf Club, despite its massive contribution to racing in Queensland, is funded for only seven races per meeting.

In addition, all of those major provincial clubs receive \$17,500 per race meeting for the cost of operating their club and the administration of those particular race meetings. The Toowoomba Turf Club receives \$15,000 per meeting. Despite all of that, the club has proved to be one of the most successful clubs in Queensland and, more importantly, makes a massive contribution to the success of racing throughout south-east Queensland.

I call on the Racing Minister and the secretary to the Racing Minister to take note of what I have said tonight and ensure that the Thoroughbred Racing Board gives the Toowoomba Turf Club due equity and respect. Our club should have eight races per Saturday, fully funded like every other provincial TAB club in Queensland. Our club should receive \$17,500 per race meeting for administration costs. If that occurred, then we would be treated equitably and there would be some respect for the contribution that this club makes to thoroughbred racing in Queensland.

I would like to commend the chairman, Mr Neville Stewart, and the committee—and the committee members have all been re-elected—for the magnificent way in which they have run the club to return a profit of over \$200,000, all of which goes back into facilities and into racing. Throughout the past financial year, they have increased the prize money by some \$900 per race through good and efficient management of the club, the obtaining of good sponsorship and the support that the club has received through its good management.

### **Kidz to Kidz**

**Mr FINN** (Yeerongpilly—ALP) (9.14 p.m.): Tonight I acknowledge the presence in the gallery of one of my federal colleagues, the shadow minister Alan Griffin, a fearless campaigner for the people of his electorate in eastern Melbourne and known colloquially in Queensland as the 'war lord'.

Tonight I want to speak about the Kidz to Kidz project, which is a very important project being undertaken in Brisbane, and particularly in two of the primary schools in my electorate. This project seeks to build a bridge between children in Australia and children in Iraq through enabling them to connect through music and song. A very remarkable woman by the name of Sana Mammo is responsible for this project. Sana was born in Basra in Iraq to a family with a mother who was a schoolteacher and a father who was a doctor educated in Iraq and then in the UK. Later in life Sana married an Australian and came here to raise her family.

Following the Baath regime coming to power in 1968, conditions in Iraq deteriorated. This once relatively peaceful society with universal free education and free health care has now been wracked with troubles for many years, and five million professional Iraqi people are scattered throughout the world as refugees.

The great tragedy in Iraq is the loss of hope. Sana told me that a recent survey found that 40 per cent of Iraq's children aged under 14 could see little reason to continue living. Twelve years of international sanctions have contributed to 13 million Iraqi children facing an uncertain future and living in an environment of war and poverty.

Australian involvement in the war in Iraq was the catalyst for the Kidz to Kidz project. After Australia joined the war, Sana's daughter, a young girl who was born and has lived all of her nine years in Australia, was confronted in a school playground. 'Your mother is an Iraqi and Iraqis are killing

Australians' was the taunt. This experience made it clear to Sana that for peace and hope to prosper, we had to give hope to our children. Australian children exposed to the language of war may continue to not only hold prejudices but also have an acceptance of war into adulthood. Iraqi children who have lost hope need to be supported and helped to understand that war and poverty is not the only way.

Sana's vision was that all children—Iraqis or Australians—have the same needs, including the need for food, clothing, shelter and love. Children in both countries can support each other and the seeds of peace can be planted for future generations. The Kidz to Kidz project is auspiced by Rotary and brings children together from three schools: Moorooka, Yeronga and Middle Park. These children are developing messages to the children of Iraq and are producing a music CD containing original songs of peace to be presented as a gift to Iraqi children.

The Kidz to Kidz project is an important project to break down attitudes of war as a legitimate instrument of politics or policy. Seventy-five years ago, Australia signed an international covenant against the use of war on these grounds. But international covenants require governments to abide by them. That Australia is involved in the war in Iraq is a very sad thing. Prime Ministers like John Howard who hoodwinked the community into supporting our involvement in the war foster a loss of hope in children and sow the seeds of future wars. I commend the work of Sana Mammo, the children involved and the people and the organisations supporting the project.

Time expired.

### **Papillon Mining and Exploration Pty Ltd; Mining, North Arm**

**Mr WELLINGTON** (Nicklin—Ind) (9.17 p.m.): In September last year—just 12 months ago—I spoke about a conflict occurring on the Sunshine Coast at North Arm between the Papillon Mining and Exploration Company and many local residents who were opposed to this company's mining activities. Then in November last year I tabled a further petition signed by over 1,000 people who requested this government to stop the company's mining activities and reject the company's further mining lease application. Also last year the Land and Resources Tribunal, when hearing this matter involving the Papillon Mining and Exploration Company, recommended to the then Minister for Natural Resources and Energy that the mining lease application and the environmental authority application submitted by this company be refused.

A short time after that court decision, I understand that the company abandoned its application and started its application process all over again by submitting a new application for approval. I also understand that recently the Environmental Protection Authority prohibited more tailings from this mine being placed in the existing tailing dam at the mine site because of concern about the adequacy of this dam. Then yesterday—yes, yesterday—in the Queensland Supreme Court an order was made placing the Papillon Mining and Exploration Company into liquidation and the court appointed a receiver to manage the company's affairs. I also understand that the assets of this company, which are now for sale by the receiver to satisfy the debts owing to this company, include the mining lease at North Arm, the authority to operate the mine from the Queensland Environmental Protection Authority, some mining machinery and some infrastructure. But what is interesting to note is that I understand that the land on which this mine is situated is not owned by the Papillon Mining and Exploration Company, notwithstanding the apparent very close relationship between the landowner and the company.

I and many of my constituents will be watching with a great deal of interest to see who will bid to purchase the mining lease and the related mining authorities. Another reason I raise this matter tonight is that I and many of my constituents believe that the activities of this company should be used as an example to justify why the current legislation regulating mining activities in Queensland should be significantly strengthened. The two key areas where I believe the legislation should be strengthened are that there should be more inspectors available to undertake spot inspections of mining activities without prior notice to the mining operator and the minimum amount of bond money required to be held to cover rehabilitation work at the mine site should the mine close prematurely should be significantly increased. Taxpayers should not have to meet the cost of rehabilitation of mine sites where there is insufficient bond money held to cover this possibility, and the polluters should always pay.

### **Daintree Rainforest**

**Mr O'BRIEN** (Cook—ALP) (9.20 p.m.): Last Sunday I attended a rally organised by the Low Island Preservation Society in support of greater protection of the Daintree rainforest area. The rally was deemed necessary by organisers as it followed a decision by the Douglas Shire Council to overturn a previous decision to implement a temporary planning instrument and severely limit residential development between the Daintree River and Cape Tribulation. This area includes some of the last remnants of the world's lowland rainforests. The rally also expressed great support for Queensland's Local Government, Planning and Environment Minister and Minister for Women, Desley Boyle. The minister's decision to use reserve powers of the state and reinstate the temporary planning instrument on 20 September mirrored the original ministerial direction from the former National-Liberal government to subdivide the rainforest in 1978 against the wishes of the council of the day.

The minister's decision the other day certainly made me proud to be a member of the Labor Party and to be part of a team and a tradition which has fought hard over many years to better protect the Daintree. In 1988 it received World Heritage listing under a federal Labor government and the original \$13 million buyback was funded by federal and Queensland Labor governments. This year's state budget contains \$1.6 million for a voluntary buyback scheme. The full commitment is \$5 million over three years. Some people have indicated that they want to participate in the buyback, and this is good news. Other property owners of land without development approval have a couple of options. They can wait to see the outcome of the town plan, a plan that must receive the final approval by the minister. If the proposed development plan for the area is reinstated under the Integrated Planning Act, there is a two-year window of opportunity for applications to be considered under the old scheme. If council rejects these applications, landowners have a right to seek compensation. While a lot has been said about people's democratic rights surrounding this debate, no-one's democratic rights have been touched. This issue is about land use planning and determining the most appropriate use of this land. State government's resume land for all kinds of reasons, usually for roads, but why not for the environment? If not for the Daintree, then where?

Labor's credentials on this matter are impeccable. We funded the original buyback. We are preventing the extension of electricity north of the Daintree River. We have our money down with no strings attached for the second buyback. We are enforcing the temporary planning instrument while the Douglas Shire Council finalises its town plan in consultation with the community. The next important day in the effort to save the Daintree is on 9 October. The current federal government has a very confusing approach to this important matter. It has committed \$5 million, but the Environment Minister and local member Mr Entsch are squabbling over how it will be applied and whether it will ease the pressure of development in the Daintree area. Happily, federal Labor has a solid \$8 million commitment for the Daintree buyback and will support the existing arrangements with the state and local authorities.

Time expired.

### **Latham Labor Government, Fishing Industry**

**Mr MESSENGER** (Burnett—NPA) (9.23 p.m.): Members will be surprised to learn that recently I attended a public rally in Bundaberg which was organised by Mark Latham's campaign team. In the main, the people who attended were the Labor Party rent-a-crowd and the meeting was nothing more than a Labor Party love-in. It was a feel-good exercise so that the community consultation box could be ticked and then Latham could continue on his merry way making policy that will weaken our economy and raise our interest rates, compromise our national security and embolden our enemies whom I will name as fascist radical Islamic terrorists. Amongst all the backslapping there were a number of serious community groups who managed to question Mr Latham on his policies—

**Mr Terry Sullivan** interjected.

**Mr MESSENGER:** They were very disappointed by Latham's lack of local knowledge and replies to their questions. I take that interjection from the member for Stafford. If he says that I am a pharisee, that must make him Jesus Christ. Groups like the Recreational and Professional Fishers, after hearing Latham's lame replies to some serious questions, will reject him as a risky experiment and vote for Mr Howard and the National's candidate in Hinkler, Mr Neville. A large contingent of Burnett and Bundaberg fishers heard that Mr Latham would not give a guarantee that he and his mate Peter Garrett would not increase the Great Barrier Reef Marine Park's no take or green zones, which are currently set at 33 per cent, to 50 per cent, 60 per cent, 70 per cent or 80 per cent. In fact, there are many fishers I speak with, both recreational and professional, who think that Labor wants to stop all fishing in Queensland so that it can please its politically green mates, Mr Brown and Mr Garrett. The only items on our seafood menus will be imported fish and prawns from South-East Asia or tinned crab—certainly nothing fresh, because the Labor Party both at a federal level and state level has failed to support the fishing industry.

The Queensland government has shamefully added complementary zoning on top of the green zones without compensation and has led the charge to demonise Queensland fishers and make them appear as if they were environmental vandals instead of the hardworking and sensible conservationists that they really are. All of the slippery talk and equivocation did nothing to ease the fishers' concerns that the industry would be completely ruined if crazy Latham and his socialist mates ever got in control of the country. The people of the Burnett know that a vote for Labor politically is like playing a game of Russian roulette with a full magazine. Labor is a dangerous risk to Australia's prosperity and security. The only credible alternative is John Howard, John Anderson and the federal coalition.

### **Wanpa-rda Matilda Outback Education Centre**

**Mr PURCELL** (Bulimba—ALP) (9.26 p.m.): I recently had the pleasure of meeting the winners of the Wanpa-rda Matilda Who Dares Wins school competition at a function here at Parliament House. The name Wanpa-rda comes from the indigenous dialect of the Birdsville district and means 'to carry' and Matilda comes from the Banjo Paterson song *Waltzing Matilda* and refers to a swag. Hence, Wanpa-rda

Matilda means to carry your swag! School students from state, independent and Catholic schools in years 6 and 7 from the Education Queensland districts of Stafford, Geebung and Mt Gravatt were invited to write an original story or create an artwork illustrating an aspect of Australian outback life. The competition was organised by the Australian Workers Heritage Centre and aimed to promote awareness among urban schoolchildren about life in the Australian outback.

**Mr Terry Sullivan:** Doesn't Bobby Gleeson do a great job!

**Mr PURCELL:** Bobby Gleeson does a marvellous job. This was the first year the competition was held and it was so successful that it will now become an annual event. I know that the member for Stafford promoted it in his electorate as much as he possibly could. The 12 winners each received a certificate and an all-expenses paid trip to the Wanpa-rda Matilda Outback Education Centre in Barcaldine aboard the *Spirit of the Outback* train. I was particularly pleased to present Paris McLaughlin with her prize. Paris is a year 7 student at St Peter and St Paul's School at Bulimba. Paris and her fellow winners certainly enjoyed their prize—that is, a great learning experience and a rare opportunity to experience the pioneering spirit along with original indigenous culture during the September school holidays, and they have just returned from their trip.

The Wanpa-rda Matilda Outback Education Centre was established by the Australian Workers Heritage Centre in 1997. It is the first of its kind in Queensland and provides a base from which to explore the many sites of educational significance in Barcaldine with its Tree of Knowledge where the first Labor Party in the world was formed. Only a day's trip away is the Australian Stockman's Hall of Fame, the Qantas Founders Outback Museum, Blackall Woolscour and a host of other educational sites. Since its opening, it has accommodated thousands of school students from not only Queensland but also foreign students from as far away as Germany. It saddens me to think that we have this outstanding tourist attraction right here on our own doorstep yet very few Queenslanders have ever been there.

I urge everyone to make an effort to visit this interesting education centre and to promote it wherever possible throughout their electorates and their schools. The centre can work with the schools and assist in tailoring packages to suit their individual needs and requirements. Activities include astronomy, orienteering, nature walks or travel back in time to 1906 to learn what life was like working on a Queensland property in the early 1900s. Visiting the centre and its surrounds is a great experience and one that I believe everyone should experience at some time in their lives. It is a unique opportunity to get back to nature and see first-hand our great Australian outback and to learn about our heritage and unique style of life. Sadly, only 12 per cent of people who live on the east coast of Australia have ever been west of the divide and get an opportunity to see great places like the centres I have just spoken about. I seek leave to incorporate the names of the 12 winners and the three runners-up of the competition in *Hansard*.

Leave granted.

1. Alice McIntosh
2. Lauren Pflugrath
3. Jennifer Wilson
4. Paris McLaughlin
5. Bridget Harkin
6. Christina Scotson
7. Kimberly Brennan
8. Brooke McKinnon
9. Jarryd Heselden
10. Chantelle Romeo
11. Zara Carnes
12. Lana Gordon

Highly commended:

1. Sheriden Gluer
2. Shikeita Gilmont
3. Erin Morris

Motion agreed to.

The House adjourned at 9.29 p.m.