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WEEKLY HANSARD

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51ST PARLIAMENT

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Thursday, 29 September 2005

BY AUTHORITY
L.J. OSMOND, CHIEF HANSARD REPORTER—2005

THURSDAY, 29 SEPTEMBER 2005

Mr SPEAKER (Hon. T McGrady, Mount Isa) read prayers and took the chair at 9.30 am.

PETITIONS

The following honourable members have lodged paper petitions for presentation—

Gold Coast, Cruise Ship Terminal

The Premier from 1,098 petitioners requesting the House to refuse any applications made to build a cruise liner terminal in the Broadwater and any supporting residential and commercial development on the public open space on the Spit or other Broadwater foreshore and to seek a commitment from the House to retain and manage the public open space areas of the Spit and other Broadwater foreshores as natural areas for the benefit of residents now and in the future.

North Queensland Harness Racing Club

Mr Rowell from 1,612 petitioners requesting the House to support a 12 month extension on the current racing licence so Townsville's North Queensland Harness Racing Club can verify its own operational viability.

Child Protection (Recognition of Relative Carers) Amendment Bill

Mr Wellington from 225 petitioners requesting the House to support the terms of the Private Members Bill "Child Protection (Recognition of Relative Carers) Amendment Bill" addressing the issue that grandparents, as relative carers, receive no funding for caring for their grandchildren.

South East Queensland Regional Plan, Yandina

Mr Wellington from 482 petitioners requesting the House to remove the investigation area at Bridges (Yandina) from the South East Queensland Regional Plan for Industry.

Nambour, Police Resources

Mr Wellington from 1,431 petitioners requesting the House to provide an increased police presence in the Nambour CBD and establish a 24 hour Police Beat to target vandalism, theft, violence and disorderly behaviour.

PAPERS

MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by the Clerk—

Premier and Treasurer (Mr Beattie)—

- Statement of Ross Rolfe, Coordinator-General, giving details of negotiations to acquire land by agreement by the proponent of an infrastructure facility of significance with the owners of land which may contain native title to be taken by the Coordinator-General under section 125(6) of the State Development and Public Works Organisation Act 1971

MINISTERIAL PAPER

The following ministerial paper was tabled—

Minister for Environment, Local Government, Planning and Women (Ms Boyle)—

- A proposal under Sections 32 and 70E of the Nature Conservation Act 1992 and a brief explanation of the Proposal

NOTICE OF MOTION

Revocation of Protected Areas and Forest Reserves

Hon. D BOYLE (Cairns—ALP) (Minister for Environment, Local Government, Planning and Women) (9.34 am): I give notice that after the expiration of at least 28 days, as provided in the Nature Conservation Act 1992, I shall move—

1. That this House request the Governor in Council to make a revocation by regulation of the dedication of protected areas and forest reserves under the Nature Conservation Act 1992 of those areas as set out in the proposal tabled by me in the House today, 29 September 2005;
2. That Mr Speaker and the Clerk of the Parliament convey a copy of this resolution to the Minister for Environment, Local Government, Planning and Women for submission to the Governor in Council.

MINISTERIAL STATEMENT

Liquor Licensing Laws

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.34 am): Later today my government will introduce new legislation to help further safeguard Queenslanders. The Liquor and Other Acts Amendment Bill 2005 will boost public and patron safety in or near licensed premises in the Brisbane City Council area. The latest amendments apply to all licensed premises which trade after 1 am. Licensees will have to employ a specified ratio of crowd controllers according to patron numbers, drinking competitions will be banned on premises and closed-circuit television cameras will have to be installed at all entry and exit points of premises. In addition, crowd controllers will have to maintain surveillance outside the premises for at least one hour after the designated closing time. Licensees will also have to train all staff in the responsible service of alcohol and develop and display a house policy outlining community and patron safety measures, management strategies and a code of conduct for staff.

This is another key step in our Brisbane City Safety Action Plan, which was unveiled earlier this year. Just this month the government announced $4.7 million for a new extensive late night rail and bus plan, along with innovative new cab services. This will deliver new levels of safety and convenience for inner-Brisbane clubbers and late-night hospitality staff. As part of the action plan we have also put in place a 3 am lockout for all late-trading premises, a statewide ban on the external advertising of drink promotions, the deployment of a further four liquor compliance officers in the Brisbane area and a code of practice for the responsible service, supply and promotion of liquor.

I make no apology for our tough approach. The tragic deaths of two young men and a number of other violent alcohol related incidents in the inner city shocked and appalled us all. The steps that we have taken are smart and sensible. They protect Queenslanders' right to feel safe and secure and help us work as a community to try to ensure that these types of incidents do not happen again. The minister, Margaret Keech, will introduce those measures in the House later today.

MINISTERIAL STATEMENT

Southern Regional Water Pipeline

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.36 am): The government is again wielding the red tape scissors by guaranteeing speedy assessment for projects dealing with the future of Queensland's water supply. On Friday, 23 September, I announced that the Coordinator-General has declared the $300 million Moranbah pipeline project to be works under the State Development and Public Works Organisation Act 1971. Today I advise members that the Coordinator-General has declared the southern regional water pipeline proposal a significant project under the same legislation. This project, which has an expected price tag of more than $250 million and a 10-year time frame for completion of all stages, would create a new network of water pipes between Wivenhoe Dam and Hinze Dam. Construction would create 150 jobs, plus indirect employment in the manufacture of pipeline and other industries.

Of course, this is only one element of a strategy to ensure future supplies. However, if it stacks up it will help keep water flowing to the booming growth corridors that link Brisbane, Ipswich, the Gold Coast, Logan and Beaudesert. It would involve up to 120 kilometres of pipe, which is mostly buried at least 75 centimetres beneath the surface, three pump stations and connection points which are planned for the Wyaralong Dam through to the Cedar Grove Weir.

In the grip of this punishing drought it is difficult to envisage surplus water supply anywhere in Queensland. However, we must plan for all contingencies and this project will enable any future spare water in the network to be pumped to areas where it is needed. Construction of various sections of the pipeline can be staged to meet changing water supply arrangements and demand. The proponents, SEQWater and the councils of the Gold Coast, Brisbane, Ipswich, Logan and Beaudesert shires, say that the project will delay or even eliminate the need for other expensive upgrades to water supply networks. The proposed corridor has been selected on the basis of extensive environmental analysis to minimise environmental and cultural heritage impacts and the environmental impact statement will give the community an opportunity to comment.

The government's declaration of significant project status gives the Coordinator-General sole authority to manage all approval processes. This includes environmental approvals and processes that would normally be handled by an assortment of agencies at different levels of government. The Coordinator-General moved quickly to this declaration after receiving a request for significant project status from the Gold Coast City Council less than two weeks ago.

This adds to the government's commitment to work with other authorities to seek solutions to existing and looming water challenges. We cannot escape the fact that a surging population, industrial growth and global warming will continue to squeeze our water supplies. Details of the project include: a pipeline from Kuraby Reservoir at Helensvale to the existing Helensvale to Molendinar pipeline, via a new pump station at Chambers Flat; and a new pipeline from Camerons Hill Reservoir to the Chambers Flat pump station via Swanbank, North Beaudesert and Logan, with provision for links to the Wyaralong Dam and Cedar Grove Weir.

The sections of the proposed network that would service the new residential and industrial areas around Ripley and Swanbank will strongly support the aims of the South East Queensland Regional Plan in developing the western corridor. This corridor will be able to accommodate pipelines for both potable and recycled water.

As I said, last week the Coordinator-General gave special treatment to the Moranbah water pipeline projects in the Bowen Basin. These consist of the Burdekin Pipeline, delivered by SunWater, from the Gorge Weir on the Burdekin River to Moranbah, plus two smaller pipelines that will deliver water to new and existing mines east and south of Moranbah. The pipelines will support continued development of the coal industry and reduce pressure on supplies to local communities.

Mr Speaker, you of all people understand the importance of this industry—and of course so does the existing minister—but the demand from the coal industry for this water is to keep up the expansion of the coal industry itself. The pipelines will permit increased coal production of up to 60 million tonnes and a potential increase of more than 4,000 mining jobs. Pipeline construction will create about 300 jobs.

With water in the region's main water source, the Eungella Dam, well below capacity, we are doing our best to help SunWater complete these projects on schedule, by the end of 2006. The Coordinator-General's powers relate to land access and acquisition, opening and closing of roads, environmental coordination and access to construction materials.

In relation to the announcements I have made in the south-east corner, if the proposals stack up it will be funded by SEQWater and the councils with a state government subsidy of up to 33 per cent through the department of local government and planning. This is an indication of my government getting on with the job, delivering the basics and the needs to Queenslanders.

MINISTERIAL STATEMENT

Davies Inquiry

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.42 am): Today I have written to the Hon. Geoffrey Davies AO, the commissioner of the Queensland Public Hospitals Commission of inquiry, in which I say this:

... my Government now commits to legislating to ensure that all relevant data about waiting lists and all Measured Quality Reports about individual hospitals will be reported in an annual State of Health Report. The Information will be available to be accessed by all Queenslanders.

I have given him a clear commitment of what accountability measures we will put in place to ensure that in future all this information is provided to the people of Queensland. That report will be tabled in this parliament by the health minister. I seek leave to incorporate all details of that letter in *Hansard*.

Leave granted.

Please quote: DT06/SocPol

The Honourable Geoffrey Davies AO
Commissioner
Queensland Public Hospitals Commission of Inquiry
PO Box 13147
GEORGE STREET QLD 4003

Dear Commissioner,

On 28 September 2005, you foreshadowed the findings that you were inclined to make about elective surgery waiting lists and Measured Quality reports. You noted that, since 1998, my Government has regularly published information about elective surgical waiting lists, but has not published information about "anterior lists".

Your findings illustrate that when it was elected in 1998, my Government overturned the Coalition Government's tradition of secrecy on elective surgical waiting lists and regularly published them for the first time in Queensland's history.

You have also noted that this Government determined to limit the publication of 60 Measured Quality hospital reports to managers and clinicians at those hospitals to which the information related. On the evidence before you, you consider that these decisions were not in the public interest. I will write further to you in this regard and can inform you that last week I made public all 60 of the reports in their entirety and have tabled them in Parliament.

I am prepared to act to continue my Government's record of openness and accountability. Therefore, my Government now commits to legislating to ensure that all relevant data about waiting lists and all Measured Quality Reports about individual

hospitals will be reported in an annual State of Health Report. The information will be available to be accessed by all Queenslanders.

I make this commitment with the expectation that both Mr Peter Forster's Health Systems Review and your own final report may make recommendations about other accountability, reporting and benchmarking measures that we can adopt to ensure that this Government consistently delivers the best health system possible.

I thank you for the commitment and rigour with which you have pursued the matters within your terms of reference and I look forward to receiving your final recommendations.

Yours sincerely

PETER BEATTIE MP
PREMIER AND TREASURER

MINISTERIAL STATEMENT

Doctor Excellence Task Force

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.42 am): On other issues dealing with health, today health minister Stephen Robertson and I will unveil the newest steps in our strategy to lift the standards of medical care for Queenslanders. Cabinet decided on Monday to establish a task force of medical experts and administrative leaders who will overhaul the policies surrounding overseas trained doctors. Historically, the placement of international doctors has been strongly influenced by workforce shortages under the 'area of need' policy. In the new era, 'area of need' will be relegated from the driver's seat to a back seat.

A range of other criteria will be combined with 'area of need' in decisions about the assessment, preparation and placement of overseas trained doctors, as the task force builds a better system of checks and balances. The medical excellence task force will have a crucial role in rebuilding confidence in the health system. The government will appoint an independent, respected clinician as the chair of the task force. The Minister for Health will outline more details in a moment. I seek leave to incorporate additional information for the House in *Hansard*.

Leave granted.

It will comprise representatives of the:

Australian Medical Association,
Royal Australian College of General Practitioners,
specialist medical colleges,
Rural Doctors Association of Queensland,
Australian Medical Council
Medical Board of Queensland
Office of Health Practitioner Registration Boards
Queensland Health (including the Queensland Health Skills Development Centre) and
Major health recruitment agencies

The Chief Health Officer will also be on the task force.

The task force's brief will include to:

Examine education, assessment, recruitment, supervision and training of medical practitioners, especially international graduates
Develop terms of reference taking into account the national health landscape, the findings of the Forster Review and of the Davies Commission of Inquiry
Assess the effectiveness of the Medical Practitioners Registration Act 2001, especially as it relates to area of need
Report to Cabinet in the first half of next year with recommendations about registration, with a proposal for a regulatory framework based on professional competency, rather than workforce shortages and
(importantly) advise the Health Minister and myself on any changes in the national health agenda which would improve implementation of the task force's recommendation.

The government also wants to see more support to help international medical graduates settle into their work and their new community.

Mr Speaker,

The vast majority of overseas-trained doctors are expert and committed but public confidence in them has been shaken in the wake of the Patel saga.

This will give us a better system of checks and balances to help restore public faith in the competence of the doctors that treat them.

It follows on from reforms the government introduced after receiving the Morris interim report.

It's about attracting and retaining professionals who will give Queenslanders health and medical care that is second-to-none.

The Health Minister will advise Members shortly on changes to legislation.

MINISTERIAL STATEMENT

Recruitment of Health Professionals

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.43 am): Last week in London I launched a major campaign to recruit British doctors, nurses and other health professionals to work in Queensland. I am happy to report today that on the web site we created there have been 9,170 hits on the site so far. I am delighted to say that there have been 75 expressions of interest from people wanting to work for Queensland Health. These have come from 24 doctors, 14 nurses, a midwife, 16 allied health professionals, three dental health professionals, five scientists, a pharmacist, nine administrators and two others. Forty-nine of these applications have come from overseas, including 32 from the United Kingdom. I seek leave to incorporate further details in *Hansard*.

Leave granted.

Last week in London I launched a major campaign in London to recruit British doctors, nurses and other health professionals to work in Queensland.

The campaign started with a very enticing advertisement containing a photograph of two swimmers in clear blue water lined by an empty beach under a blue sky and a caption that read: just what the doctor ordered.

The advertisement appeared in The Times.

It will next appear in the very influential British Medical Journal.

At a special function to launch the campaign I told an audience containing medical media, recruitment agencies and health professionals that we have a projected gap of 478 doctors, across a range of levels and specialities in 2006 and I wanted to attract as many as possible for Queensland Health.

I pointed out Queensland Health would pay relocation expenses for doctors and nurses, which includes airfares.

I am grateful to Dr John Wakefield, the Executive Director of the Queensland Health Patient Safety Centre, for playing a leading role at the launch.

Dr Wakefield is a graduate of the University of Liverpool in the UK and has worked all over Queensland since 1990.

He told the audience of his personal experience of moving to Queensland to work.

We're doing what we can to train more doctors but in the meantime, we need to draw on the expertise of health professionals trained elsewhere.

We have created a special recruiting section on the Queensland Health website (http://www.health.qld.gov.au/workforus/default.asp) where health professionals can watch a video about Queensland, inspect job vacancies and submit an expression of interest.

There have been 9,170 hits on the site so far.

And I am delighted to say that there have been 75 expressions of interest from people wanting to work for Queensland Health.

These have come from 24 doctors, 14 nurses, a midwife, 16 allied health professionals, three for dental health, five scientists, a pharmacist, nine administrators and two others.

49 of these applications have come from overseas, including 32 from the United Kingdom.

The campaign will continue:

at job expos in London,

at the Opportunities Australia Expo at Earls Court at the end of October with a seminar for interested health professionals and a reception for doctors interested in coming to Queensland,

And at the BMJ Careers Fair in London in early December.

MINISTERIAL STATEMENT

Economy

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.44 am): I would like to report to the House on a number of matters. In the last session of parliament I outlined to members the strength of the Queensland economy. I am pleased to announce that in the past few weeks there has been further data released that clearly underscores our reputation as the growth state of the nation. I table the *Queensland Economic Review* for the information of members. This document is produced monthly by Queensland Treasury. It provides a comprehensive snapshot of all major economic indicators. One report from Citibank states, 'Queensland has one of the strongest balance sheets of any regional government in the world.' This is a strong endorsement and I welcome the recognition of our hard work. I seek leave to incorporate details in *Hansard*.

Leave granted.

This document is produced monthly by Queensland Treasury and provides a comprehensive snapshot of all major economic indicators.

This edition reveals that the Queensland economy is in a very strong position with growth in jobs, retail trade, dwelling approvals and major investment projects.

On my overseas trip I also received further new data from Citigroup Global Markets.

Their State of the States document confirms that the Queensland economy continues to grow well above the national average.

I will share with you some of their revealing insights.

They state:

> "In past issues of State of the State we have stated our view that by any measure, Queensland is the strongest State, fiscally in Australia.
>
> "Indeed it would be hard to find a national or sub-national government anywhere in the world that has a superior financial position to Queensland. Following the 2005/06 Budget and despite the loosening of the fiscal strings, this clearly still holds true."

Mr Speaker, our Government has long held the reputation as the best economic managers in the country.

Clearly our position has been undersold.

In their report Citibank indicate 'Queensland has one of the strongest balance sheets of any regional government in the world'.

This is a strong endorsement and I welcome the recognition of our hard work.

This week I announced our intention to hold a mini Budget next month.

The data I have just outlined clearly reveals we are in a very strong position and will be able to make a significant funding boost to health without jeopardising our AAA credit rating.

MINISTERIAL STATEMENT

Police Resources

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.45 am): I promised to increase the number of police by an extra 300 every year until we reached a target of 9,100 in 2005. We have delivered 300 extra police every year since 1998, and yesterday we reached that target. In June 1998 Queensland had 6,833 police officers. After police minister Judy Spence swore in the latest intake of new police at the Queensland training academy, we have 9,132. I promised more police and we have delivered. I seek leave to incorporate details in *Hansard*.

Leave granted.

The Fitzgerald Report of July 1989 revealed how 32 years of Coalition Governments in Queensland had produced major corruption, a police force that fiddled its clear-up rate and the lowest police to population ratio in the country.

The Queensland Coalition Government of which the current National Party Leader and the current Liberal Party Leader were members showed it had learned nothing when it signed a secret deal to scuttle the Crime and Justice Commission (as it was then called) and failed to provide enough police.

The Coalition Government had promised to provide 300 extra police every year.

It produced an average of only 200 a year.

The Coalition Government that included Mr Springborg and Mr Quinn failed by a third to keep up with the numbers of police needed.

In 1998 I promised as Opposition Leader that if we won government we would deliver.

I promised to increase the number of police by an extra 300 every year until we reached a target of 9,100 in 2005.

We have delivered 300 extra police every year since 1998.

And yesterday we reached that target.

In June 1998 Queensland had 6,833 Police officers.

After Police Minister Judy Spence swore in the latest intake of new police at Queensland Training Academy, we have 9,132.

Now that we have reached this record number of police, this government will continue to maintain the police to population ratio and that way we will never again see the disgraceful shortage of police that occurred under the liberals and nationals.

It doesn't matter where you look—at health, people with disabilities, child safety, education, police—the Coalition Government short-changed the people of Queensland.

Budgets prove that we have dramatically increased funding for all of these essential services, including health by 60% in seven years.

We have already made massive and meaningful improvements to people with disabilities, to education and to child safety.

Despite the 60% increase in funding, we are yet to fix health. We will.

But today we can put a tick against yet another election promise that we made and have delivered.

Queenslanders can feel safer in their homes and in the streets because of this key achievement.

MINISTERIAL STATEMENT

Premier's Literary Awards

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.45 am): Last night I was pleased to announce the winners of the 2005 Queensland Premier's Literary Awards. These awards are Australia's richest literary awards, with a prize purse of $235,000, for those whose vocation it is to stir debate, entertain, educate and challenge. Indeed, we have a writers' festival on here at the moment which I will be attending later today. In particular, I want to congratulate in the 'literary or media work advancing public debate' category the Harry Williams award winner, the *Courier-Mail*'s Hedley Thomas, for his success for 'Sickness in the System'. As you know, Mr Speaker, his use of a mouse on the internet exposed what happened in Bundaberg. While I have not agreed with everything Hedley has

written, I congratulate him on this award and I congratulate him on the initiative he took. I seek leave to incorporate details in *Hansard*.

Leave granted.

In seven years, these awards have become a Smart State tradition, honouring professional and aspiring writers from across the nation and across Queensland.

This year for the first time we awarded a $10,000 in-kind encouragement and development prize for an emerging Queensland author—Simon Cleary of Windsor for his story The Comfort of Figs.

These awards recognise that writers who cause the most discomfort can be the most important—and that is clear from the judges' choices.

They had a tough job to distinguish the 15 winners from 797 entries.

The entrants' high standard gives hope to those of us who hanker for a great read penned by an Aussie and—even better—a Queenslander.

The winners are:

FICTION BOOK AWARD ($25,000)

Tim Winton for The Turning

EMERGING QUEENSLAND AUTHOR—MANUSCRIPT AWARD ($20,000)

Patrick Holland for The Long Road of the Junkmailer

UNPUBLISHED INDIGENOUS WRITER—THE DAVID UNAIPON AWARD ($15,000)

Yvette Holt for Anonymous Premonition

NON-FICTION BOOK AWARD ($15,000)

Geoffrey Bardon and James Bardon for Papunya—A Place Made After the Story

HISTORY BOOK AWARD ($15,000)

Shane White and Graham White for The Sounds of Slavery: Discovering African American History Through Songs, Sermons and Speech

CHILDREN'S BOOK AWARD ($15,000)

Prue Mason for Camel Rider

YOUNG ADULT BOOK AWARD ($15,000)

Joanne Horniman for Secret Scribbled Notebooks

SCIENCE WRITER—DEPARTMENT OF STATE DEVELOPMENT AND INNOVATION AWARD ($15,000)

Elizabeth Finkel for Stem Cells

POETRY COLLECTION—ARTS QUEENSLAND JUDITH WRIGHT CALANTHE AWARD ($15,000)

Sarah Day for The Ship

AUSTRALIAN SHORT STORY COLLECTION—ARTS QUEENSLAND STEELE RUDD AWARD ($15,000)

John Clanchy for Vincenzo's Garden

LITERARY OR MEDIA WORK ADVANCING PUBLIC DEBATE—THE HARRY WILLIAMS AWARD ($15,000)

Hedley Thomas for Sickness in the System

FILM SCRIPT—PACIFIC FILM AND TELEVISION COMMISSION AWARD ($15,000)

Jacquelin Perske for Little Fish

TELEVISION SCRIPT—QUT CREATIVE INDUSTRIES AWARD ($15,000)

Sue Smith for RAN (Remote Area Nurse)—Episode 5—Blue Hawaii

DRAMA SCRIPT (STAGE) AWARD ($15,000)

Van Badham for Black Hands/ Dead Section

ENCOURAGEMENT AND DEVELOPMENT PRIZE ($10 000 in-kind)

Simon Cleary for The Comfort of Figs

MINISTERIAL STATEMENT

Integrity Commissioner; Annual Report

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.46 am): I lay upon the table of the House the annual report of the Integrity Commissioner for the year ended 30 June 2005. I seek leave to incorporate details in *Hansard*.

Leave granted.

The Government created the position of Integrity Commissioner in 1999 to reinforce accountability.

Queensland was the first Australian State with an integrity commissioner.

The commissioner gives advice, on request, to Ministers, Parliamentary Secretaries, statutory office holders, ministerial staff, chief executive officers, and other senior officers of departments and public service offices.

This is the first annual report of Integrity Commissioner, Gary Crooke QC, who brought a fresh perspective to the office when he began in July 2004.

I note his comment that: "Overall I have found an acute awareness of the need to uphold ethical standards and a clear understanding of the requirements to recognise and manage appropriately a conflict of interest."

The Commissioner notes the media's crucial importance.

He says: “In recent years, including up to the present, opinion polls show that the community respect for the reliability of journalists is at a low ebb.

“This perception does not assist with the media playing its part in the achievement of the goal” (the goal being introduction, attainment and maintenance of an ethical regime).

He adds: “I have found that almost inevitably in the core business of the Integrity Commissioner, namely advising on conflicts of interest, advice is given in circumstances where there is a potential conflict of interest, not where events have unfolded to the extent that the conflict is an actual one.

“Perception is all important. The test must be what is the perception of a reasonable member of the community correctly informed of all the facts.

“It is important to observe that this is not necessarily the test applied by the media when reporting an issue.”

The Commissioner also pays tribute to his predecessor, the Honourable Alan Demack AO.

This 2004-05 report shows that there were 31 requests for advice—an almost 50% increase on the previous year.

Website visits rose by 12%.

The Integrity Commissioner contributed to public understanding of integrity standards through the presentation of papers and lectures, holding workshops, making submissions and meeting delegations.

I am not required to table this report, but I do so as part of a commitment to openness and accountability.

I commend the report to the House.

MINISTERIAL STATEMENT

QSuper

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.46 am): The Queensland government is committed to providing our employees with world-class and well-managed superannuation to help fund their retirement savings. QSuper is one of Australia’s largest and most respected superannuation funds, providing coverage for over 435,000 members. The actuary’s report has revealed that QSuper is in a strong financial position, with a surplus of assets over liabilities of $1.83 billion at June 2004. This represents an increase of $588 million from the surplus at the last valuation in 2001. I am pleased to announce that since the valuation was done this figure has grown to more than $30 billion. In fact, QSuper’s default accumulation balanced option returned 15.38 per cent for the year to 30 June 2005. I seek leave to incorporate details in *Hansard*.

Leave granted.

Through the QSuper Fund the Queensland government manages the retirement savings of public servants, police, teachers and other public sector employees.

The State Actuary has recently completed his valuation of the QSuper Fund for the three years to 30 June, 2004.

The Actuary’s report has revealed that QSuper is in a strong financial position, with a surplus of assets over liabilities of $1.83 Billion at June 2004.

This represents an increase of $588 Million from the surplus at the last valuation in 2001.

Based on this available surplus the Actuary is comfortable that the current employer contribution level be retained and that the surplus is retained as a reserve.

The valuation also shows that in total as at 30 June last year, the government and fund trustees were investing more than $26 Billion on behalf of Queensland public sector employees.

Mr Speaker, I am pleased to announce that since the valuation was done this figure has grown to more than $30 Billion.

In fact QSuper’s default Accumulation Balanced option returned 15.38% for the year ended 30 June 2005.

This was the second best result in the country.

I congratulate QSuper and the Queensland Investment Corporation for their prudent investment decisions which have helped put the fund in such a strong position.

As I have pointed out before any surplus money is not available to be spent.

It is set aside in our Special Consolidated Fund accounts for QSuper and is used to offset any future market fluctuations.

Nevertheless, it is another significant boost to our bottom line and yet another indication of the strength of our Government’s economic management.

MINISTERIAL STATEMENT

China Coal Conference

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.47 am): By way of reporting to the House, I indicate that when I visited China this month I addressed the third China International Coking Technology and Coke Market Conference in Beijing, encouraging support for the Queensland coal industry. I seek leave to incorporate details in *Hansard*.

Leave granted.

Dick Johnson, Mark Skaife, and Russell Ingall are household names to Queensland motor sport fans.

This year millions of Chinese people were also introduced to these sporting stars courtesy of the inaugural debut of the V8 Supercar Series in Shanghai.

The Series is managed and marketed by AVESCO—a Queensland company based on the Gold Coast.

The China debut was another classic example of a Smart State company taking its product and expertise to the world.

It is also a reflection of the growing importance of China to Queensland business and exporters.

For example, the value of Queensland coal exports to China has risen by more than a staggering 280% over the past five years.

That is one of the reasons I visited China this month to address the third China International Coking Technology and Coke Market Conference in Beijing.

It provided a wonderful opportunity to promote Queensland and the strength of our coal industry.

From coal to car racing our relationship with countries such as China is helping grow our State and is delivering real benefits to Queenslanders and Queensland business.

MINISTERIAL STATEMENT

QIMR Microscope System

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.47 am): I also want to report that I have recently signed off on a donation to clinch the purchase of a high-tech microscope system for the Queensland Institute of Medical Research. I seek leave to incorporate details in *Hansard*.

Leave granted.

I have recently signed off on a donation to clinch the purchase of a high-tech microscope system for the Queensland Institute of Medical Research.

Medical research into areas including cancer, asthma, arthritis, the 'flu and infertility has benefited from this $20,000 boost from the Queensland Government.

The $20,000 is from my Director-General's Reserve and is helping to buy a fluorescence microscope system.

This will be used in research on an enormous range of health problems including skin cancer, bowel cancer, asthma, the 'flu virus, osteoarthritis, infertility, dengue fever, Ross River virus, Giardia and malaria.

By advancing studies of cancer, viruses and parasites, the fluorescence microscope system will help Smart State researchers work on cures, vaccines and therapies.

The grant is going to a group of women known as the WANTZ Committee, who got together three years ago to raise funds for vital causes.

These philanthropic fund-raisers have in past years raised money for equipment for the Multiple Sclerosis Society of Queensland and the Mater Medical Research Institute.

The government is delighted to lend a hand to the women, who are striving to raise money at a tough time for charities.

MINISTERIAL STATEMENT

North Queensland Cowboys

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (9.48 am): Finally, I could not let this go because I know the member for Thuringowa would not allow me to do so. As a north Queenslander, I know that he and everyone in this House will want the Cowboys to do well on Sunday. I sat down with some trepidation on Sunday to watch the match because I had seen all this nonsense that came out of Sydney that said that the Eels were going to walk right over them. I know that the member for Townsville will share this view because he wanted to brief cabinet at great length on Monday and I had to restrain him—because I was scared that that would happen. My heart was with the Cowboys, of course. And didn't they give the Eels what for! Everyone in north Queensland should be very proud of the Cowboys.

Mr Cummins: Queensland.

Mr BEATTIE: Hang on, I am about to come to that. Do not get too excited. We have to deal with the best part of the state first. I know that everyone in north Queensland would be very proud of the Cowboys because they have done a great job. I hope that on Sunday they can show the level of commitment they showed last weekend because I know everyone in Queensland is right behind the Cowboys for Sunday. All I can say is: go the Cowboys!

MINISTERIAL STATEMENT

Liquor Licensing Laws

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (9.49 am): People have the right to feel safe when they go out at night. Amendments to the Liquor Act that the government will introduce to parliament later today are aimed at boosting public and patron safety on and around licensed premises in the Brisbane City Council area. This is stage 2 of the Premier's Brisbane City Safety Action Plan, which was unveiled on 1 March this year. Two tragic deaths and a series of violent alcohol related incidents in the inner city prompted development and

implementation of the government's action plan. As the Premier has outlined this morning, the latest amendments apply to all premises in the Brisbane City Council area which trade after 1 am. Previous initiatives introduced under the action plan have statewide effect.

Binge drinking is a major contributor to alcohol fuelled incidents on and around a licensed premises. Therefore, we have introduced a statewide ban on the external advertising of drink promotions that encourage the rapid consumption of alcohol. The government has also beefed up compliance strength and activities in the Brisbane area and formed a special Liquor Licensing flying squad, which can target trouble spots across the state. With the assistance of licensees and other industry stakeholders, we have developed and introduced a code of practice for the responsible service, supply and promotion of liquor. The code clearly sets out what is acceptable conduct on premises and what is not.

The Beattie government takes seriously its responsibility to safeguard the public. While the vast majority of licensees are responsible and the industry generally supports the need for the government to take action to improve public safety, some licensees, however, are opposed to tougher licensing conditions. It is essential that licensees acknowledge that under the Liquor Act they have a duty of care to their customers and staff. These amendments by the Beattie government will ensure that licensees take responsibility for the conduct of their patrons both inside and outside their premises. The government wants Queenslanders and visitors to Queensland to continue to enjoy themselves when they go out at night, but we also want them to be safe. The amendments I will introduce to parliament later today will help to achieve these goals in a sensible and balanced way.

MINISTERIAL STATEMENT

Apprenticeships

Hon. TA BARTON (Waterford—ALP) (Minister for Employment, Training and Industrial Relations) (9.52 am): First up, I would like to join the Premier and share his view. I am a north Queenslander by birth and grew up in north Queensland, and I want to add to the chorus for Sunday: go the Cowboys!

The Beattie government is delivering increasing numbers of apprenticeships to train Queenslanders for the economic future of our state. Currently, our strong economy is producing record demand for apprenticeships. Some TAFE institutes are increasing apprenticeship intakes by more than 30 per cent, notably in traditional trades. In fact, Queensland leads the nation in the growth in apprenticeship numbers. We now have an all-time record of 75,400 apprentices and trainees in training, with one in 10 being school based. That is another Australia-leading achievement.

It is particularly satisfying that so many of our young people are seeing the value of doing a trade as a genuine option to university education. Even Prime Minister John Howard in his speech to the Skilling Australia Conference last week in Melbourne acknowledged Queensland's exceptional performance in school based training. What we are achieving will undoubtedly help alleviate skill shortages in the next decade, but it is not enough. Until now the Beattie government's investment in TAFE has ensured that we have been able to largely meet this burgeoning demand for apprenticeships. However, we now face a situation where record demand is placing pressure on the TAFE system. In some trades, some apprentices are now unable to be scheduled to receive training in their relevant stage or year. This is an unacceptable situation, and I have instructed my department to address this issue as a matter of high priority.

The training system must continue to reform and become even more flexible to meet the needs of a radically different employment market and training environment. We need new approaches to deal with these changes. Our TAFE institutes need to continue to meet the needs of industry and enhance the adoption of flexible methods of training delivery both on the job and in new approaches to block training.

We also need to develop a system which encourages our dynamic private sector to deliver more apprentices and trade training. At present, 78 per cent of trade training is undertaken by TAFE institutes. We need to develop models to encourage further growth in the delivery of trade training by the private sector to help meet the expected future demand. This investment will mean more dynamic partnerships between the public and private providers as well as a greater capacity by the private training sector to deliver apprenticeship training in priority industries.

We have embarked on the first major review of the training system in over 30 years, and I am determined to continue to drive this system into the 21st century. The forthcoming white paper on training reform, which will be produced before the end of the year, will address many of these issues. Queensland's economic growth is dependent on our people. A demand driven training system—delivering skills requirements for priority industries—is the key to our state's future prosperity.

MINISTERIAL STATEMENT

Cruise Ship Terminals

Hon. AM BLIGH (South Brisbane—ALP) (Deputy Premier, Minister for Finance and Minister for State Development, Trade and Innovation) (9.55 am): This month Queensland took a giant step closer toward establishing a statewide cruise ship industry and taking a significant slice of the $200 million that this largely untapped tourism market generates in Australia every year. Two vital pieces of infrastructure—cruise ship terminals in Townsville and on the Gold Coast—will join the terminal in Brisbane to ensure that Queensland attracts the ocean liner trade.

Mr Speaker, I would like to take the opportunity this morning to pay tribute to your personal commitment to, and advocacy for, these projects. Your support for them is well known and the fact that they have been able to get off the ground is largely due to a great deal of enthusiasm from you in your previous role.

The government has endorsed the Townsville development and, in partnership with the preferred developer, TABCorp-Consolidated Properties Group, will contribute $15 million towards the project, which will form part of a significant redevelopment of the city's breakwater area. Townsville already enjoys important economic benefits from visiting cruise and military ships, but we can only build upon this with the development of an ocean terminal. It is imperative that a port such as Townsville is able to further develop opportunities from visiting cruise ship passengers and military personnel on rest and recreation leave. The state will finalise contractual arrangements with the preferred developer and the area will now undergo an environmental impact study, which will include consultation with the Townsville City Council and the community with construction expected to commence in mid-2007.

The government has also announced that, as the first stage of a proposed development for the Gold Coast cruise ship terminal, expressions of interest will be called from developers at the same time as an environmental impact study is undertaken. The proposed development located on the Southport Spit, is similarly of major importance to the Gold Coast's tourism industry. After much misinformation in the community, it should be made clear that the government's proposal incorporates the preservation of public open space on The Spit, including Doug Jennings Park and an annual $100,000 funding commitment to ensure the protection and enhancement of the 92 hectares of nature reserve in the Federation Walk area.

The development of a Gold Coast cruise ship terminal is part of the government's broader cruise shipping plan, which aims to increase Queensland's share of the lucrative cruise shipping market. Our vision for the Southport Spit includes a terminal, along with a possible marina facility for superyachts, recreational and commercial craft and the development of commercial or tourism related business on the properties south of Sea World. Vitally, the cruise terminal will occupy just one hectare, or eight per cent, of the existing 12 hectares of Doug Jennings Park and will include an upgrade of the public recreational amenities in the park and in other areas of The Spit. Our vision strikes the balance between public recreational use and further development.

The comprehensive EIS to be undertaken will fully analyse the environmental and social impacts of the project, including the effects of dredging on the Broadwater, marine life in the seaway and the effects on recreational pursuits such as surfing, diving and fishing. The EIS process involves community consultation, and members of the public will be encouraged to provide submissions. The community will also be given the opportunity to comment on the draft EIS report and any further studies required to examine amendments to the project. The EIS process is expected to be completed by mid-2006 and, should it prove environmentally sustainable, construction could start as early as 2007.

In that light, the government is acutely aware of the concerns of several groups which have shown an enthusiastic interest in the future of The Spit, and we are determined to strike a balance between the need to enhance marine and tourism facilities in the area while maintaining and enhancing public open space and recreational facilities. But make no mistake: our government is unequivocally behind the tourism industry on the Gold Coast, and I would like to commend the two local members, the member for Southport and the member for Broadwater, for their unequivocal support for greater development.

MINISTERIAL STATEMENT

Overseas Trained Doctors

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (9.59 am): Over the past decade Australia has been unable to meet the health needs of all its communities with Australian trained doctors. This was again admitted on Monday by federal minister Tony Abbott who said on the Gold Coast, 'We don't have enough doctors in Australia generally.' It was reiterated by the Productivity Commission in its report, which it handed down today.

This national shortage of doctors, which the federal government has, more than anyone else, been responsible for, affects mainly regional, rural and remote parts of Australia and has made many communities dependent on overseas trained doctors. This has been the case in Queensland as in other states. In Queensland, health authorities have historically used 'area of need' powers to address doctor shortages as they occur in various parts of the state. Under this process the health minister or a delegate declares which Queensland regions and which medical specialities need overseas trained doctors. This allows Queensland Health to fast-track the registration of overseas trained doctors so that they can be quickly recruited into positions unable to be filled by Australian qualified doctors. The state government recognises that this long-established system has become outdated and is in need of change. That is why I am announcing today legislative amendments to transfer the power to make 'area of need' declarations from Queensland Health to an independent body. The Health Practitioners Legislation Amendment Bill 2005, which I will introduce to parliament soon, will transfer these powers to the independent Office of the Health Practitioner Registration Boards.

In his interim report, then Commissioner Tony Morris identified shortcomings in the current application of the policy. It was perceived that Queensland Health was rubber-stamping applications by hospitals and medical practices to declare vacant positions as 'area of need' because no application had ever been refused. It was also perceived that Queensland Health could have a conflict of interest, making these declarations when it was also an employer, trying to boost doctor numbers to meet the work force shortage.

The changes I am announcing today will ensure that the 'area of need' policy is administered objectively and that decision making is impartial. They will also help reassure the public that overseas trained doctors working in their communities have been properly trained, thoroughly screened and are competent to practice medicine to the highest standard.

On another matter, I note a report in today's *Gold Coast Bulletin* that accuses the Beattie government of abandoning two medicos who have made public comments about issues at the Gold Coast Hospital. As I stated yesterday, it is not appropriate for me as minister to discuss publicly all the circumstances that led to the demotion of one dentist and the recent nonrenewal of a doctor's contract. I believe it is appropriate that I seek advice from my department when such matters are brought to my attention about whether the appropriate policies and practices have been followed by management in dealing with workplace issues. Decisions about staffing and the hiring, firing, promotion or demotion of employees are appropriately a matter for management, not politicians. I reject the accusation that this government has abandoned these so-called whistleblowers. Nevertheless, given the content of today's reports, I have referred all material pertaining to these two individuals to the Davies commission of inquiry where all the reasons and circumstances pertaining to the demotion and the nonrenewal of contract can be analysed in an objective manner.

MINISTERIAL STATEMENT

Coalition Policy Clash

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (10.03 am): The forced marriage of the National Party and the Liberal Party certainly poses some interesting challenges for their policy scribes. The fact is that for the past seven years neither the Nationals nor the Liberal Party have had any policy on Public Works and Housing. Queenslanders deserve more from the opposition parties than sheer criticism and buffoonery and will be looking to see some policy signs.

During estimates, the newly wedded Leader of the Liberal Party demanded that we get rid of the Public Works business units—Q-Fleet, Goprint, Q-Build and so on. Clearly, the Liberal Party still clings to the Fitzgerald analysis of government done on behalf of former Treasurer Joan Sheldon—a Liberal Treasurer, I might add—which recommended that these units be privatised. Yet recently we had the National Party, through its now sacked shadow minister Ray Hopper, telling this chamber that the National Party supported Q-Build and wanted to see it grow. There it is. Before the wedding cake is even cut we have a clear and irretrievable breakdown in policy.

What are voters expected to do? If they vote Liberal in the hope of privatisation of Q-Build and the National Party dominates the next coalition government, the Nats will veto privatisation. If conservative voters want to vote against privatisation and they vote National, they might find that the Liberals get the numbers and Q-Build is sold off. This sort of policy duplicity exposes the sham of the forced marriage. How can any voter vote for two parties and two policies with one vote? Even Joh's gerrymander was not that good!

The fact is that the Cowboys and the Tigers are taking to the field on Sunday and each is aiming to win. But here we have the cowboys and the silvertails going out telling everybody that they do not care which one of them wins. Just imagine what a Cowboys supporter would say if he found out that Norton and Price did not care who wins on Sunday? This is a recipe for disaster. It is like trying to bake

one cake in two separate tins by putting the sugar in one and the flour in the other. It is arrogant of those opposite if they believe they can pull this stunt on Queenslanders.

As I said yesterday, the Nationals have surrendered the Racing portfolio to the Liberals and therefore the Nationals' policy—the only policy they have—is redundant because the Liberal Party agrees with us on this issue. I suggest that the National Party leader writes to all of the country race clubs and lets the race clubs know that the Nationals have abandoned them.

The Liberals are getting a wedding while the Nationals are getting a funeral. What genius in the Nationals agreed to have the Liberals run the next campaign? I can just see it now—the Liberal Party direct mail campaign telling the National Party faithful to get rid of their guns, pay for their water, get up an hour earlier and abandon their bulldozer. What of the preselection process? How welcome will the member for Callide be with his no daylight saving, progun, antigay, free water, scorched earth views at the preselection on the Gold Coast? It is ironic that the member for Callide, who excelled himself at dudding the member for Toowoomba South and the member for Gregory, is now being dudded by the Liberals.

The Leader of the Opposition said that he had an engagement ring in his pocket. That is a pretty odd statement when you think about it. In reality, it suggests that he is in a strong position. I do not know whether he went down on bended knee or whether he bent over backwards to get hitched. So desperate was his fear of being left on the shelf that he agreed to a life of doing what he is told during a campaign run by the Liberals.

Mr Quinn interjected.

Mr SCHWARTEN: Not as far behind as the member opposite will be when it gets back out there!

The truth is that the business units in the Department of Public Works have the Liberal Party 'for sale' sign on them. The National Party has been dudded in this regard, and I will ensure that every Q-Build worker in every depot in western Queensland knows it.

MINISTERIAL STATEMENT

Foster Carer Recruitment Campaign

Hon. MF REYNOLDS (Townsville—ALP) (Minister for Child Safety) (10.07 am): The biggest foster carer recruitment campaign in the history of this state is under way. I am pleased to report that more than 180 expressions of interest have been received since the campaign launch in Brisbane on 9 September. This major initiative has a recruitment target of 500 extra foster-carers, and I am very optimistic that we can reach that target within 12 months. This extensive campaign involves radio and print advertising and public events and displays designed to raise public awareness about the need for foster-carers and what the role involves.

Since the official launch in Brisbane I have taken part in successful regional launches in Townsville, Toowoomba and Maroochydore, and there will be a launch in Rockhampton to coincide with our regional sitting of parliament in that great city. I want to thank existing foster-carers, community partners, parliamentary colleagues and staff from my department for supporting these campaign launches. I also want to thank those media organisations that have helped to promote this very worthy initiative. I hope that even the opposition may get behind this initiative rather than adopting its usual nitpicking and negative approach to child safety.

The campaign is addressing issues raised by the CMC report on foster care that showed too few people are providing care for our most vulnerable children and young people. Sadly, in the past we have seen extreme pressure placed on carers with limited support to help them in their vital role. This is something that we are working very hard to overcome. Since the establishment of my new department we have seen progress towards greater access to respite, enhanced training and increased allowances, and financial support, professional support and peer support are becoming more readily available to carers. We have learnt from the past. We are listening in regard to the needs of carers and we are working closely with community partners to fortify our child protection system.

This campaign targets church, ethnic and Aboriginal and Torres Strait Islander communities and will go a long way towards easing the burden on our current very valued carers. There is an urgent need in remote Indigenous communities for more foster-carers to help keep at-risk children and young people in or close to their communities. I urge people interested in becoming foster-carers or wanting more information about the role to call our number: 1300 550 877.

MINISTERIAL STATEMENT

Positive Learning Centres

Hon. RJ WELFORD (Everton—ALP) (Minister for Education and Minister for the Arts) (10.10 am): One of our government's strong commitments is to provide for the long-term educational needs of all students. We recognise that there are some students who find difficulty with the classroom regime or whose behaviour might disrupt other students. They need special support over and above that which can be provided in mainstream classrooms. To cater for these students, in 2000 our government opened five what were then known as Alternative Learning Centres to offer intensive educational and behavioural support. These centres are located in the areas of Logan-Beaudesert, Ipswich, Redcliffe, Cairns and Brisbane Bayside.

Today I am pleased to announce that our government will be more than doubling the number of these facilities to help more students in need. An extra six Positive Learning Centres are being established through our Better Behaviour, Better Learning package and will be ready for the start of the 2006 school year. By expanding the number of centres, our government is ensuring that these students are given every opportunity to gain the skills and knowledge required for life after school. Students are given special assistance at these Positive Learning Centres in numeracy and literacy, as well as appropriate hands-on learning in areas such as art, technology, music and vocational training.

In deciding upon the new locations an emphasis has been placed on areas outside Brisbane to ensure students in regional locations are also provided with these opportunities. New sites will be established for 2006 in the education districts of Sunshine Coast South, Gold Coast, Brisbane North, Townsville, Wide Bay North and Mackay-Whitsunday. Each new Positive Learning Centre will receive funding to employ two teachers and a grant of up to $60,000 to cover ancillary administration costs.

Students who are referred to these sites will be given help to develop the skills they need either to be reintegrated into mainstream classrooms or to pursue further education, training or work. These Positive Learning Centres will ensure students are given every opportunity to gain the skills and knowledge they need to succeed in learning or earning.

In addition to the centres, the Better Behaviour, Better Learning package also includes 10 additional guidance officers, a new code of expected behaviour for state schools and access to training and professional development for our dedicated staff. The package enhances the existing $25 million spent on behaviour management in state schools each year and demonstrates our government's commitment to a quality education for all young people in Queensland.

MINISTERIAL STATEMENT

Cairns Airport

Hon. PT LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (10.13 am): I have the pleasure of informing the House that the first stage of a $190 million redevelopment of Cairns airport is now complete. Last Monday I inspected progress on major work at the international terminal, including a building extension, a second level and new state-of-the-art baggage handling and screening equipment in line with Commonwealth security requirements. Work is also well advanced on the $20.5 million second stage, which involves construction of a new central services building, a new concourse and aerobridge and an expansion of the terminal's arrival and baggage collection hall.

I would like to take a moment to inform members—and I know that the members for Cairns, Barron River, Cook and Mulgrave, and probably the member for Tablelands as well, will agree with me on this—just how important Cairns airport is to the regional, state and national economies. This terminal is Australia's fifth busiest international gateway in passenger movements and it is Australia's sixth busiest airport overall in terms of passenger movements, of which there were more than 3.8 million overall last financial year. It is actually the largest government owned airport in Australia, and proudly so.

Cairns airport creates an estimated 26,000 jobs directly and indirectly. The domestic terminal services more than 400 domestic flights a week. By 2020 passenger movements at both terminals are expected to grow to about six million or more a year. The state government's six-year $190 million capital investment program includes projects worth $57 million at the international terminal, $51.5 million at the domestic terminal and $34.3 million on additional taxiways and aircraft parking.

The Cairns Port Authority had invested $49 million in capital projects at the airport in 2004-05 with another $86 million allocated for the development this financial year. Over a five-year period, projects to expand and modernise this airport will cost more than $300 million. This work is part of a long-term plan that will enable the airport to keep pace with the growth of the region's economy. I would like to take this opportunity for all members to join me in congratulating the Chair of the Cairns Port Authority, Mr Clive

Skarrott, and his board, along with the CEO, Mr Brad Geatches, who is outstanding in his job, for the excellent work they are doing in taking this important piece of Queensland's tourism and economic infrastructure from strength to strength.

IMPACT OF PETROL PRICING SELECT COMMITTEE

Discharge of Dr B Flegg; Appointment of Mr MA Caltabiano

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (10.15 am), by leave, without notice: I move—

That the member for Moggill be discharged as a member of the Impact of Petrol Pricing Select Committee and that the member for Chatsworth be appointed to that committee.

I table a letter from the Leader of the Liberal Party and note that it has not taken long for young Michael to push his head forward.

Motion agreed to.

NOTICE OF MOTION

Health System

Dr FLEGG (Moggill—Lib) (10.15 am): I give notice that I will move—

That this House censures the Beattie government for its mismanagement of Queensland's public health system and its disregard for the quality of care provided, including over 108,000 Queenslanders being on hospital waiting lists, unacceptable levels of complications for patients and unnecessary deaths.

PRIVATE MEMBERS' STATEMENTS

Health System; State Taxes

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.16 am): The opposition will not give this government a blank cheque to introduce new taxes in Queensland. Last night we heard the Premier admit that there could be bad news in the upcoming minibudget. The Premier let the cat out of the bag: the Premier admitted that the secret agenda of the Labor Party in Queensland was to introduce new taxes to fix this government's own maladministration of the health system in Queensland. No-one else in this state is to blame for the maladministration, the neglect and the official incompetence which we have seen in the health system in this state other than this government. This government sat idly by as we had the likes of Dr Patel inflicting their butchery on patients at the Bundaberg Base Hospital. This government is solely responsible for Vincent Berg. This government is solely responsible for the problems we have seen which have led to 108,000 Queenslanders waiting for surgery in this state in unacceptable time frames.

This government cannot get away with the proposition that the tax base in this state is so low that it has to be increased and new taxes have to be brought in to fix the health system in this state. The Premier talks long and loud about a $1 billion budget surplus. The Premier has a lot of money. This government has enough money to fix this problem. Money alone will not fix the problem; it requires good management and goodwill.

Everyone knows that money on its own will not fix the problem. This government must put in place the management structures. It has the money to do the job. It cannot expect a blank cheque to do the job. The tax take in this state in the time that this government has been in power will rise four times the rate of population growth. When it took government in Queensland it was $4 billion; at the end of this coming term the state tax take will be $8 billion. The population will have increased by 25 per cent. This government's tax rate is much greater than the population growth. The government has the resources to do the job.

Time expired.

Ambulance Service; Member for Burdekin

Ms JARRATT (Whitsunday—ALP) (10.18 am): Since the last sitting of this parliament Queenslanders have had the opportunity to acknowledge the important role that our paramedics play in providing a world-class emergency response service in the state. During the Ambulance Week celebrations people right across Queensland joined in various activities and open days aimed at recognising the work of our paramedics and learning more about how to become involved in supporting our Ambulance Service. It was not surprising, therefore, to have read newspaper articles claiming that

the QAS is well regarded for its world-class service or to read items extolling the virtues of the CPR for Life program, which is 'an excellent way to ensure you are prepared for a life threatening situation'.

These are fine sentiments and I agree with them wholeheartedly. Indeed, these and other comments printed in the *Ayr Advocate* and the *Home Hill Observer* during Ambulance Week were very worthy comments that provided a ringing endorsement of the Queensland Ambulance Service. The curiosity, however, is that they were made by the member for Burdekin in a form that virtually plagiarised government releases formulated for the occasion of Ambulance Week. Even more curious is the hypocrisy of the member whose party only a short while ago fought the government tooth and nail on the introduction of the community ambulance cover—a funding source that now underpins the quality service so lauded by the honourable member.

Despite the opposition's spirited objections to the community ambulance cover, it has become apparent that this fund has been instrumental in the government's ability to employ 350 paramedics over a four-year period, provide an extra 200 vehicles and to build or refurbish an extra 20 ambulance stations across the state.

I thank the member for Burdekin for her personal endorsement of the government's handling of the Emergency Services portfolio in what I suspect may have been a failed attempt to secure the position of shadow minister for emergency services in the 'not the coalition' frontbench. While I lament the fact that the member did not secure this position, I can reassure her that her assistance in promoting the good work of the government did not go unnoticed by Minister Purcell.

Commissions of Inquiry, Evidence by Former Ministers

Mr QUINN (Robina—Lib) (10.21 am): Carmen Lawrence, the former WA Premier, the former health minister under Prime Minister Paul Keating, ALP President and a federal member of parliament devised a way of avoiding answering difficult questions under oath. Repeatedly at a commission of inquiry she said that she could not recall or did not recall critical answers, critical questions and critical details. I am delighted to inform the House that we have two outstanding graduates of the Carmen Lawrence school of memory training in this House. Not surprisingly, they are on the ALP side. They are, in fact, former ministers for health, just like Carmen Lawrence.

At the recent Bundaberg inquiry we had Wendy Edmond saying 'I don't recall' 21 times and 'I can't recall' 10 times. She used these phrases in answering questions 30-odd times. In September another former health minister in this state, Gordon Nuttall, the member for Sandgate, also used the phrase 'I don't recall' in answering questions at the commission 13 times and 'I can't recall' 17 times.

These are distinguished, outstanding candidates of the Carmen Lawrence school of memory training. They graduated with outstanding credentials and they continue to show that, if members of the ALP follow the lead of their leaders and use the phrases, they can avoid answering the difficult questions under oath. Instead of using Carmen Lawrence as their role model, they should have gone to Barry Jones, the former *Pick-a-Box* quiz champion. At least he would be able to remember the details, unlike these outstanding and distinguished graduates of the Carmen Lawrence school of memory training.

Health Services

Mrs DESLEY SCOTT (Woodridge—ALP) (10.23 am): While all eyes have been focused on the Bundaberg Hospital inquiry, my office has also been focused on Bundaberg Hospital. But my interest and that of my staff has been taken to a far more personal level. Last year Sandy, my electorate officer, and I were greeted with the exciting news that we were both to be blessed with a new grandchild. The months progressed and in April my precious grand-daughter arrived. However, in early June Sandy made a call to me that plunged us all into deep sadness. Just one week away from giving birth, Sandy's daughter Jill was told that there was no sign of a heartbeat and she was facing giving birth to a stillborn infant.

Jill and Chris live some 40 minutes outside Bundaberg and so it is quite a journey for them in an emergency. Over the past three or four months there have been many emergencies. Although we have all been terribly saddened by the allegations of malpractice by certain so-called medical professionals in Bundaberg, Jill's experience is indeed one of having received the best medical care, but, more than that, great compassion and understanding.

When little Matthew was born, the attending staff could not have done more. Jill and Chris wish to thank sister-in-charge Anne McLennan; Shelly Schneider, the midwife; Dr Ben Waverton; Dr Williams, the paediatrician; and Fay Schneider, grief counsellor, who all went way beyond the call of duty.

However, there was far more to come for Jill. She was then diagnosed with a serious illness. There were many complications and time spent in the intensive care unit. She has now had successful surgery performed by Dr Graham Sims and has high praise for every person in the hospital who cared

for her, from the surgeon and nursing staff right through to the tea lady. Their care was magnificent and under such trying, sad circumstances for this little family.

While the occurrences in Bundaberg have been shocking, we should never lose sight of the fact that there are many dedicated staff who continue to deliver first-class care to their patients. This morning I want to thank them for continuing to uphold the highest level of care.

Beattie Labor Government

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (10.25 am): The smell of fear still pervades the parliament this morning. The smell of fear is rank and raw and all pervading in here. We saw it in the contribution of the member for Rockhampton. We saw the fear in his eyes as he contemplated the future of the government—this failed government—

Mr WELFORD: I rise to a point of order. As education minister, I must inform the honourable member that fear cannot be smelled.

Mr SPEAKER: Order! There is no point of order.

Mr SEENEY: So many of the failed members—

Honourable members interjected.

Mr SPEAKER: Order! Take your seat. I know you are all excited and the Cowboys are going to win on Sunday, but please calm down a bit.

Mr SEENEY: I think it is fear. It is not excitement. So many members of this government know that the retribution that is going to be visited upon them by the people of Queensland is going to put an end to the worthless careers that they have had in this parliament. They fear the fact that we now have a strong, united alternative government on this side of the parliament. We have a coalition that will stand the test of time. We have a coalition that will present an alternative to the people of Queensland—an alternative government that can succeed where this lot have failed. We have put together a coalition of equal partners, which now strikes fear into the heart of a government that has failed to deliver in so many ways for so many Queenslanders.

Government members: Ha, ha!

Mr SEENEY: They try hard to laugh. They try hard to come up with wedges to drive this coalition apart, but it will not work. We will put to the people of Queensland a united election position, a united election platform that will give them a real alternative to vote for—

Mr SPEAKER: Order! I call the member for Pumicestone.

Mr SEENEY:—that will give them a real alternative government to elect—

Mr SPEAKER: Order! Sit down.

Mr SEENEY:—and that lot opposite will get the retribution that they deserve.

Mr SPEAKER: I warn the member for Callide under standing order 253.

Health Services; Bloomfield, Mrs N

Mrs CARRYN SULLIVAN (Pumicestone—ALP) (10.27 am): Maxwell Smart is dead. There will be chaos. I have known Nancy Bloomfield of Bribie Island for over 10 years. During that time she has always been healthy and active. So it came as a shock to me when I heard that Nancy was in hospital suffering with what was later diagnosed as a heart attack.

Nancy was taken to the emergency department of the Caboolture Hospital at 2 am on 28 August. She was taken straight in and stabilised by nursing staff and then transferred to the Critical Care Unit—CCU—on the second floor. It was here that I visited Nancy a couple of days later to see how she was. She was as cheery as ever and told me that she was booked in for an angiogram at the Prince Charles Hospital on 1 September.

Nancy kept complimenting the staff and told me how wonderful they had been to her and the family. The angiogram showed that Nancy had three partially blocked arteries and a leaky valve, so surgery was booked for five days time. Nancy's operation was a great success. For a 68-year-old woman she came through with flying colours and has healed rapidly. She has been giving her husband of 47 years, Bob, plenty of cheek and he reckons she will be back to her old self in no time.

Nancy and her family are keen to thank everyone in the health system who helped in her recovery. Although she cannot remember all their names, she particularly wants to thank the Caboolture Hospital nursing staff, both in the emergency department and the CCU. She said they were incredibly compassionate at all times and were always prompt in their attention. Even the wardsmen made her feel comfortable and cheered her up. Nancy also described the nursing staff as very professional and received the same brilliant treatment from everyone at the Prince Charles Hospital. The cardiac surgeon, Dr Tesar, and his team were to be congratulated, she said. She told the doctor that all governments should take off their hats to them because of the wonderful job they do.

Nancy knows that the life of a surgical repair depends on how well she looks after herself from now on, and she plans to live a lot longer. She celebrates her 69th birthday on 19 October, and on the same day Bob and Nancy celebrate their 48th wedding anniversary. So happy birthday, Nancy, and congratulations on all of those wedded years. I hope that you live to celebrate many more wonderful occasions.

QUESTIONS WITHOUT NOTICE

Ambulance Service, Baby Capsules

Mr SPRINGBORG (10.30 am): My question without notice is to the Minister for Emergency Services. Minister, I am aware that the Queensland Ambulance Service plays a role in renting and fitting baby capsules for public use. Minister, is it a fact that the Queensland Ambulance Service instituted a special campaign to install baby capsules in the suburb of Inala for Indigenous children at a cost of $80,000? Is it also true that for this $80,000 only three capsules were installed at a cost of more than $26,000 each?

Mr PURCELL: I thank the member very much for the question. I do not have the details as to what it would cost to set up a baby capsule receiving centre at Inala, but I can assure the member that I will get that information for him. However, I can espouse the virtues of the capsules that are installed by the Queensland Ambulance Service. They are installed not only in Inala but also all over Queensland. They are responsible for saving the lives of many children in Queensland. If people want to start counting how much they cost to install, they are looking at it from the wrong angle.

This service provided by the Queensland Ambulance Service is recognised throughout Australia as one of the best services for this type of protection for children travelling in a motor car. I have used this service, because I have five children and I now have five grandchildren. They all have capsules. They have them before they leave the hospital to come home. We put this information into all of our public hospitals so that the young mums and young families know about the service. It is not often that a child who is securely placed in a correctly fitted capsule is seriously injured in an accident. They invariably survive. Mum and dad are injured in many cases and are taken to hospital, but the child survives. The capsule program in Queensland is one of the best in Australia. From memory, the fitting of a capsule by the Queensland Ambulance Service for six months costs $56. I would urge all members to let their constituents know, particularly young families, of the service that is available. It is available not only in Brisbane but also throughout the state.

Mr SPEAKER: Before I call the Leader of the Opposition for his second question, I welcome to Parliament House students and teachers of Elanora State School in the electorate of Currumbin.

Queensland Health, Publishing of Reports

Mr SPRINGBORG: My second question without notice is to the Minister for Health. I refer to the minister's advice yesterday that he is to introduce legislation requiring the government to publish performance data on the Queensland Health system. Why does the minister need this legislation to force himself to release this information in the first place, or, like so many other Queenslanders, does he not trust the Premier to do it in the first place?

Mr ROBERTSON: Had the Leader of the Opposition been listening yesterday when I explained the reasons for introducing legislation, he would have heard me say that the reason that I am introducing such legislation to compel the publication of this data is that we do not trust those opposite.

Water Restrictions

Ms NOLAN: My question is to the Premier and Treasurer. Premier and Treasurer, we are all aware that Queensland is in the midst of a drought and councils across the state are introducing water restrictions. Can the Premier tell the House what the government is doing to ensure that there is enough water for Queenslanders?

Mr BEATTIE: I thank the member for Ipswich for her question because I know that she has a particular interest in this, and as she lives in one of the growth corridors of Queensland that is understandable. Water is arguably our most precious resource. My government is working on a comprehensive package of measures to ensure a clean, reliable water supply to all Queenslanders, and members heard some of that this morning with the pipeline announcements I made. Water restrictions are a sensible way to manage use during drought conditions, and we are planning to support councils by increasing fines for repeat domestic offenders and hiking up fines for corporate and industrial users. Those who abuse the system need to be penalised unfortunately. If people do not want to pay a fine, the answer is not to abuse it. If they do not abuse it, they will not pay a fine.

We are fast-tracking new water infrastructure and water-saving initiatives in south-east Queensland. We are injecting $10 million into a regional effort to reduce leaks and other water losses

within water supply systems, and we will support an expansion of this program when water service providers finalise details, and I announce that $10 million now. This will save up to 75 million litres of water a day. I just announced the declaration of the $250 million southern regional pipeline as a significant project which will fast-track the approval of a new pipeline network to be developed as need arises to service a growing area between Wivenhoe and Hinze dams.

The preconstruction work program for the Cedar Grove weir on the Logan River has started. It will supply around 12 million litres a day of additional water to growing urban areas around Beaudesert. The site for a new weir on the Mary River will be announced within months. We support Toowoomba City Council with funding and other assistance for its plans to process highly purified recycled water to drinking standard. We are helping smarter water use by industry. Some $7 million will support the supply of recycled water instead of drinking water to two major industrial users in the Australia TradeCoast area. Some $107 million has been set aside for major recycled water projects through the South East Queensland Infrastructure Plan and Program. Where water supplies are most at risk, we are asking power stations and other major water users with short-term alternative supplies to switch to those supplies. We are working with SEQWater, the Gold Coast City Council and others to investigate the feasibility of desalination, already injecting substantial funds into studies. We have introduced legislation to enable households to use grey water to water their lawns and gardens.

If one looks at this, it is a very comprehensive strategy and it will serve the needs of the future of Queensland as well as the current needs. But I have to ask this question, because I am concerned about this. We need to obviously work with the Commonwealth, but I ask: what will the coalition do here? When it comes to its water policy, there has been a deafening silence. It is more interested in complaining about fair charges to rural water users than offering solutions. Lawrence Springborg, the Leader of the Opposition, calls a charge to irrigators of $4 for one million litres of water a money grab. Urban users and essential industry pay $15 for the same amount. It is locked into the small picture. The real issue here is does the Leader of the Liberal Party agree with the Leader of the Opposition with regard to water charges?

Health Funding

Mr QUINN: My question is directed to the Premier. I refer to the fact that under this Premier's government Queensland spends less per person on health than any other state and spends only 60 per cent of what Western Australia spends on its health system and is investing $640 million less on health than the average level of other states, and I ask: why has the Premier's government consistently placed the lowest priority on health spending of all Australian states? When he releases his minibudget, how is he going to claim with any credibility to yet again fix a problem of his own making?

Mr BEATTIE: I thank the honourable member for his question. We have taken Queensland's funding for health to the closest level it has ever been to national funding under any government in the history of Queensland. My government has increased expenditure on health by 60 per cent. We are making significant advances. The recent decisions to allocate $700 million over the next four years to pay our doctors at a national level will significantly increase our contribution to making sure that Queensland Health is funded appropriately. Yesterday Commissioner Davies made some comments in relation to how health had been dealt with by both sides of politics. I have now released all of the material that Commissioner Davies referred to.

Mr Springborg interjected.

Mr SPEAKER: Leader of the Opposition, I warn you under standing order 253.

Mr BEATTIE: In terms of the Leader of the Opposition—and he was a minister when he was in government—the previous government did not. I say to the Leader of the Opposition today that he should be serious about this, along with the deputy leader of the coalition or Deputy Leader of the Opposition. I can never work out which it is because it depends on how much Jeff Seeney gets paid. Members would realise, while Queenslanders may not, that if Jeff Seeney gave up being Deputy Leader of the Opposition the Leader of the Opposition would have to give $26,000 to Bob Quinn. That is why he is deputy leader of the coalition. That is why they still have separate offices because, if those opposite were technically in a coalition and Bob Quinn was Deputy Leader of the Opposition, Lawrence Springborg would have to give him $26,000. So why do you not come clean, Jeff, about this?

I will come back to the issue. I table a draft letter from Lawrence Springborg to the acting cabinet secretary which states—

As current Leader of the Opposition, and in that capacity able to authorise release of cabinet documents from previous coalition governments, I authorise the immediate release of cabinet documents from the Borbidge government relating to the Surgery on Time project.

If the Leader of the Opposition is serious about accountability and he wants to have the same accountability that I have, he should sign that letter so he releases the material in the same way that I released information.

I want to talk about other issues. The Productivity Commission has released a report in which it suggests that establishing uniform accreditation and standards is the centrepiece of the reforms. Currently, profession based approaches stymie innovation and job creation. Accordingly, the paper proposes a single consolidated accreditation agency for university based education and training and postgraduate training. I table for the House an assessment from my department on that Productivity Commission report. Why do I raise that matter? Because the problems in health are not just confined to Queensland; they are national problems. We have taken funding closer to the national standard than has any other government in the history of the state, including the one of which the Leader of the Opposition was a part.

If the Leader of the Liberal Party is serious, when Peter Forster's report comes down tomorrow he will support us in ensuring that those measures that deal with the federal government are implemented. As everyone in this House knows, health is funded both by the Commonwealth and the state. If the Leader of the Liberal Party supports us in the areas of Commonwealth reform, we will see how fair dinkum he is tomorrow.

Coalition Agreement

Mr REEVES: My question is to the Premier. I refer to the recycled coalition, and I ask the Premier: what will the shadow cabinet mean for Liberal voters?

Mr BEATTIE: I tell members that we have one coalition, two political parties, four and a half leaders and no policies. That is what we have. That is it in a nutshell. Today, let me make it really clear to Queenslanders: a vote for the Liberals is a vote for the National Party. Everyone needs to understand that.

I want to refer to some of these wonderful quotes. They are real doozies. I love Jeff Seeney's. A report on ABC Radio said that the Nationals have told Queenslanders to get used to clashes between the conservative parties. Jeff Seeney says the parties' differing views should be no surprise. They are not! 'People should get used to it,' says Jeffrey. In other words he is saying, 'Just get used to us not having one opinion, hating one another, being unable to agree.' But there is more to come. I reckon the best quote is from federal Liberal member Peter Slipper. On ABC Radio he predicted very confidently that Michael Caltabiano will be the next conservative Premier of Queensland. He said, 'What I am saying is Michael Caltabiano is the next conservative Premier of Queensland.' Bob Quinn will not be Premier. Lawrence Springborg will not be Premier. I do not know where Bruce fits in. I am really sorry that he was left out. Peter Slipper is obviously not in his faction.

The other line of thought that was very useful in all of this is that the Leader of the National Party has been out saying how wonderful Barnaby Joyce is. An article in the *Australian* states—

But Queensland Nationals senator Barnaby Joyce, who last year won a place in the senate without the joint ticket, said he did not believe the coalition agreement would change the Liberals' stance.

Senator Joyce said factions within the Liberals, notably that of Mr Caltabiano, would not allow a joint ticket.

He stated further—

It's not much of a Liberal Party up here, it is the Caltabiano party.

I will come back to the question. I turn to what Queenslanders are going to get out of this coalition. The Liberals are in a shadow cabinet. They will be supporting a National Party shadow minister for the environment, who will be advocating large-scale tree clearing and the return of broadscale commercial fishing on the Great Barrier Reef and the wrecking of the Great Barrier Reef. The Liberals in the shadow cabinet will be supporting a National Party shadow minister for industrial relations, who will be opposing the federal government's plan for industrial reform. The members cannot even agree on industrial relations. How can the Nationals support that level of industrial vandalism? But that is not all. The National Party environment spokesman has said that the Vegetation Management Act 'is the embodiment of communism. It is one of the most cruel acts of government to secure the vote of environmentalists.' Obviously, Bob will not agree with that, or he has changed his view on vegetation management.

The Liberal shadow cabinet will be supporting a National Party shadow minister for Aboriginal and Torres Strait Islander policy who excused the coalition government's burning down of Mapoon in 1963 by suggesting that the homes were made of straw. The Leader of the Liberal Party is in that coalition.

James Cook University, Medical Graduates

Mr SEENEY: I have a question without notice to the Minister for Health. I refer to the recent high-profile trip by the Premier to try to poach doctors from a desperately short British health system and the extreme contrast that is to the failure of this government to retain the new medical graduates from James Cook University, over half of whom have decided that they will not work in the Queensland public health system. I ask the minister: what measures has the minister taken to make employment in Queensland hospitals attractive to new graduates from James Cook University? How can the minister

justify the priorities of trying to recruit doctors from the British system when he has failed so dismally to provide employment for home-grown graduates?

Mr ROBERTSON: I thank the honourable member for the Dorothy Dixer.

Mr Horan interjected.

Mr SPEAKER: Member for Toowoomba South! I warn you under standing order 253.

Mr ROBERTSON: I thank the member for the Dorothy Dixer. Clearly, he has not been listening, otherwise he would have known that in terms of announcements that have been made by this government, we have put money where our mouth is with respect to putting over $60 million on the table for medical scholarships at a range of tertiary institutions in this state to bond graduates for up to 10 years for placement in rural and regional Queensland. By the end of this decade, more than 235 graduates will be bonded and coming out of our tertiary institutions to go into the electorates of the members opposite. Yet they claim that we are not doing anything. In a first, this government—the first government in Queensland to do so—has put its money where its mouth is.

Why did we have to do that? Already earlier this week we heard Tony Abbott admit to a national doctor crisis. We know from the Productivity Commission report that the single reason why that is the case is that the coalition government in Canberra froze the number of places nationally for students going through medical school. As a result, we have a national shortage of doctors. If the member wants to kick an own goal—as the Deputy Leader of the Opposition just has—he should shoot home the blame for our doctor shortage to Canberra, because that is where it started.

What is the solution? The solution rests with us, because in picking up that slack from Canberra we have had to come in with millions of dollars to invest in graduates to bond them so that when they come out of medical school they go into rural and regional Queensland to make up for those Commonwealth induced shortages. I am surprised—in fact, I am shocked—that the Deputy Leader of the Opposition has not heard of that before.

Mr Copeland interjected.

Mr SPEAKER: Member for Cunningham, I warn you under standing order 253.

Mr ROBERTSON: On top of that, the Premier, as the Deputy Leader of the Opposition has said quite rightly, went overseas and as part of his trade mission he went to one of those work force expos. I refer to the data that has been produced as a result of what the Premier did overseas. Today's report on the response to Health recruitment refers to the cumulative expressions of interest by health disciplines: doctors, 24; nurses, 14, midwives, one; allied health, 16; dental health, 3; scientists, five; pharmacists, one; others, two. There is a total of 75 expressions of interest.

I suggest that those numbers alone indicate that what the Premier did in the UK recently has been a success. We are getting expressions of interest from UK trained doctors and other medical professions to fill the gaps brought about by the coalition in Canberra.

Mr SPEAKER: Before I call the member for Clayfield, I welcome to the public gallery students and teachers of Cleveland State High School in the electorate of Cleveland.

Tobacco Laws

Ms LIDDY CLARK: My question is to the Minister for Health. Can the minister inform the House when phase 2 of the government's antismoking laws take effect in Queensland?

Mr ROBERTSON: I thank the honourable member for the question. As all members would be aware, in January the government banned smoking near non-residential buildings, playgrounds, public swimming pools and major sports facilities. We also required Queensland pubs, clubs and other licensed premises to designate as non-smoking zones at least one-third of their enclosed areas, including gaming machine areas.

Today, I am announcing that phase 2 of our tough antismoking laws are about to begin. After tomorrow, Friday, 30 September, all licensed premises in Queensland must make at least two-thirds of their enclosed areas, including two-thirds of gaming machine areas, nonsmoking. Ultimately, smoking inside all pubs and clubs in Queensland will be banned from 1 July next year. We recognise that smoking endangers the health of both the smoker and, through passive smoking, the rest of the community. That is why the government is extending these nonsmoking areas to protect the health of patrons and staff alike. Information kits are being sent to over 6,000 liquor licensees, explaining that they must designate the new nonsmoking areas, identify these areas for patrons and ensure that patrons do not smoke there.

We make no apology for the fact that Queensland's tobacco laws are the toughest in Australia. Since enforcement began in March following the three-month amnesty period, environmental health officers have inspected more than 98,000 sites. To date, 713 on-the-spot fines have been issued throughout the state. These include 211 fines for smoking within four metres of a non-residential building entrance, 307 fines for breaches of our 2002 laws which ban smoking in the workplace and other

enclosed public places such as cinemas and shopping centres, and 149 fines for smoking breaches at major sporting facilities.

Queenslanders have responded positively to the new tobacco laws. Queensland's smoking rate has fallen below the 20 per cent barrier for the first time and fewer Queenslanders than ever are smoking. I am pleased that I have actually contributed to that particular statistic on a personal basis. That is why the government will continue to encourage people to quit smoking and ensure that the effects of passive smoking are minimised.

Mr SPEAKER: Before I call the member for Nanango, I welcome to the public gallery Councillor Les Tyrell, the Mayor of Thuringowa. Les, earlier on today we wished the Cowboys all the very best on Sunday.

Honourable members: Hear, hear!

Queensland Health, Performance Bonuses

Mrs PRATT: My question without notice is to the Minister for Health. How many Queensland Health departmental executives who have now been proven to be underperforming received performance bonuses in the past two years? Has the government made any move to recover these fraudulently obtained taxpayer funded bonuses? If action has been taken, how many have been recovered to date?

Mr ROBERTSON: Whilst the matter of bonuses is the province of the Premier, I am informed that the answer to the member's question, I believe, would be zero.

Gold Coast, Cruise Ship Terminal

Mr LAWLOR: My question without notice is to the Deputy Premier, Minister for State Development, Trade and Innovation and Minister for Finance. In the lead-up to the minister's recent announcement of a cruise ship terminal for the Gold Coast, opposition members have categorically stated that the location of the Spit is the wrong one. Is there an alternative location in the Gold Coast area where the terminal might be located?

Ms BLIGH: I thank the member for the question and I repeat my thanks to him and to his colleague the member for Broadwater for their commitment to the tourism industry on the Gold Coast and their willingness to work with the government to make sure that this project can become a reality.

Let me make it clear: a Gold Coast cruise shipping terminal is good for tourism, it is good for the Gold Coast, it is good for Queensland and it is great news for jobs and investment in the Gold Coast area. It is part of a whole new stream of endeavour for the Gold Coast and the state, and it puts Queensland right in the middle of the fastest growing area of the tourism industry area worldwide. The *Gold Coast Bulletin* editorial of 1 August hit the nail right on the head when it said, 'To actively oppose such a key piece of new infrastructure is a mistake.' Who could it have been talking about when it said that? None other than the Queensland conservative parties.

Predictably, the Nationals cannot agree on their position on this. The vice-president of the National Party, Susie Douglas, moved a motion at the party's conference in July opposing this outright, and I understand that it was supported unanimously and received broad applause. Not long after, however, the Leader of the Opposition, the member for Southern Downs—

Mr SPRINGBORG: I rise to a point of order. Such a motion was moved. It was not moved by the person concerned.

Mr SPEAKER: Order! There is no point of order.

Ms BLIGH: But it was carried unanimously and received broad applause. Not long after, the Leader of the Opposition came out and said, however, that he was not averse to the idea of a cruise terminal. An idea is not enough. You cannot berth a ship on an idea. You need to have somewhere to do it.

Firstly, the federal Liberal member for Moncrieff, Steven Ciobo, claimed that the government's decision was a 'betrayal of the Gold Coast'—extraordinarily a betrayal of the Gold Coast—and the terminal should be 'somewhere else'. The member for Surfers Paradise said, 'I want it but not on the Spit.' The member for Southern Downs said, 'There are other potential sites going further down south from there.' I wonder what he means? Does he mean Currumbin, Tweed Heads, Sydney, Antarctica, Monte Carlo? Where on earth can they mean?

The Leader of the Liberal Party has been conspicuous by his absence in this debate—silent and missing in action. Welcome to the policy process of the coalition of equals. This is the intellectual firepower that we have to fear. This is what we can expect. We will have seen in the last few days a great deal of interest in what can only be described as a contorted and bizarre preselection process for seats on the Gold Coast. It will not matter if they pick a Liberal or a National because they will not stand up for the coast.

Time expired.

Redland Hospital, Anaesthetists

Dr FLEGG: My question without notice is to the Minister for Health. I refer the minister to the situation over recent times with anaesthetists at the Redland Hospital, where three staff anaesthetists working without supervision all lack any anaesthetic qualifications—one having qualified on the Indian subcontinent, one in the Middle East and the third acting as the senior anaesthetist for the hospital holding only a basic medical degree from Colombia. Does the minister think it is acceptable to have a whole department staffed by specialist anaesthetists who have not yet obtained recognised Australian degrees? Why does the minister allow this situation to occur when there is no suitable, qualified supervision?

Mr ROBERTSON: What I am sure about is that, based on anything the member says in this place or outside this place, it requires checking, and that is what I will do.

Voluntary Student Unionism

Mr FINN: My question is to the Minister for Education and Minister for the Arts. I refer the minister to the well-publicised disagreement between the Nationals and the Liberals over the Howard government's plan to introduce voluntary student unionism. Can Queenslanders have any confidence in a coalition that cannot agree on vital issues of education?

Mr WELFORD: The differences of opinion between the Liberal Party and the National Party are not confined to the Queensland parliament; they extend all the way to Canberra. We all know that the Liberals' Brendan Nelson is hell-bent on making our universities places for the rich. His latest plan for voluntary student unionism is another bizarre idea that will destroy university services and disadvantage many, many students, particularly those from rural areas. Services such as child care, counselling, sports and clubs on campus will all be affected if the student and amenities fee by student organisations is abolished.

But the Liberals' latest and greatest idea to undermine our universities is stalled. Why? Because the Nationals cannot agree with it. In fact, the Nationals' Senator Barnaby Joyce, bless his soul, is quoted in the media as saying, 'I'm going to ring up Brendan Nelson and tell him to stick VSU up his jumper.' Go, Barnaby!

Mr Cummins: Now that's a policy.

Mr WELFORD: Now that is a policy. I take the honourable member's interjection. This is a great example of how the Nationals and Liberals work together in coalition in Canberra. It is what we are already seeing with the Liberals and Nationals in the new Queensland coalition. Unfortunately, the people paying the price for this disunity are the people of Queensland. On the issue of VSU, staff, students and their families at Queensland universities are in limbo not knowing if their jobs and the services they rely on such as child care, counselling, subsidised medical care and other services will even exist next year. This is a vital issue for Queensland students and their families, and they deserve to know where the Queensland coalition stands.

Do we have the Liberals in one corner and the Nationals in another, as we are seeing in Canberra? The menu of distrust, disunity and sniping we are seeing in Canberra is already part of the Queensland so-called coalition. We are not being told who will be Premier if the conservatives are elected, and there are disagreements on issues such as land clearing and industrial relations, as other members have mentioned. Will the Nationals and Liberals in Queensland now tell us where they stand on Brendan Nelson's legislation to introduce a user-pays system for universities? Or will they bring out the smoke and mirrors to hide the fact that they cannot agree on this critical issue for Queensland students?

Mr SPEAKER: Before calling the member for Cunningham, I welcome to the public gallery the students and teachers of Elanora State School in the electorate of Currumbin. This is the second group. Welcome to Parliament House.

Asbestos in Schools

Mr COPELAND: My question is directed to the Minister for Education. Does the minister stand by his previous assurance that students and teachers are not at risk from exposure to asbestos in Queensland schools, given that another teacher in the prime of his life has just been diagnosed with an asbestos related disease?

Mr WELFORD: I thank the honourable member for his question. Since becoming education minister, we have put in place a number of additional measures to ensure that teachers and students in our schools are absolutely secure and safe from any risk of asbestos exposure that might cause harm to anyone's health.

As the honourable member would be aware, the Asbestos Roof Replacement Program is being fast-tracked. We will be replacing asbestos roofs as quickly as we possibly can. We are developing a

new condition assessment of all asbestos roofs in Queensland in order to prioritise those roofs that are at risk of decay so that those roofs are dealt with as a matter of priority. We will also be revamping the full register of all asbestos materials in schools and ensuring that, when any construction work or similar trade work is done in a school, no disturbance occurs in a classroom while children are there and that proper clearances are obtained before children are returned to classrooms in which work is undertaken.

Electricity Industry

Mr ENGLISH: My question is directed to the Minister for Energy. Can the minister advise the House of the government's position in relation to providing additional capacity for the Queensland and New South Wales interconnector?

Mr MICKEL: I thank the honourable member for the question. We have a remarkable system in Australia which connects electricity from Port Douglas through to Port Lincoln. As members would appreciate, with Queensland's excellent investment strategy, we are destined to become—and I think are—the powerhouse of the nation when it comes to electricity. In fact, we generate excess electricity. I do not want to brag about that. What we want to do is sell that excess into the national electricity market.

The interconnector at the moment is very heavily utilised, with power flowing south to New South Wales more than 90 per cent of the time. There have been some calendar days in this year where it has gone to 100 per cent of the time. The problem is this: it has reached capacity at 1,078 and we want to enlarge that. What has been holding us up is the regulation test set out by the federal government which, in my view, encourages underinvestment. We want to do something about that. We are working with TransGrid at the moment to make sure something happens.

What has happened since the interconnector has meant this: Queensland generators have earned $300 million, I am advised, since that process came about and the wholesale electricity prices have dropped by about 50 per cent. Honourable members would think that this policy would attract bipartisan support. If we go back 10 years, we find that people like the Leader of the Opposition and the then coalition were opposed to it. They said, 'We do not want to throw an extension plug over the border.'

If honourable members ever think for one moment that the crowd opposite are successful economic managers, let me tell them how they left this state when it came to the pricing structure. The fact that they changed the route cost us millions of dollars. They then left us with an impossible peaking plant which cost this state $300 million and we still bear the costs of it. So every year that goes by we are saddled with the economic lunacy and legacy left by the then coalition—this reunited group who left us and do not understand an electricity market. The saddled up cost of changing the route was another $85 million. When it comes to developing an energy strategy that is important to business and important to consumers, this government and the previous Labor government have an important inheritance to leave to the people of Queensland. If we want profligacy and irresponsibility, members should read the speech given 10 years ago in this House by the Leader of the Opposition and they will see the statement of the National Party supported by—

Time expired.

National Livestock Identification Scheme

Mr HORAN: My question is directed to the acting minister for primary industries. I refer to the pitiful support given by the Queensland government to the cattle industry following the introduction of the National Livestock Identification Scheme. It is now three months since NLIS was introduced and the minister has still failed to introduce the bulk tag tender system as promised. Why has he failed in this simple task? Is this just another example of the total disinterest of the Beattie government in Queensland's important rural economy?

Mr CUMMINS: I thank the member for the question. The answer, I suppose, is no. The National Livestock Identification Scheme is about ensuring the quality of our beef from the paddock to the plate. Mr Speaker, as you well know, our international markets will demand of our Queensland producers that we can trace where the beef comes from and where other meat products come from in the unlikely event of a disease that may affect Queensland.

There has been a huge amount of work done by the department of primary industries in close consultation with the Queensland NLIS Implementation Committee, which has representation from all sectors across the production chain. The response from the cattle industry has been positive, unlike those opposite.

Mr Hopper interjected.

Mr SPEAKER: Order! Member for Darling Downs!

Mr CUMMINS: There have been initial teething problems. However, these have been closely worked through with the DPI staff. Producer information seminars have been held continuously throughout the state with around 25,000 attending. There has been additional support through

information guides, mail-outs and installation of electronic readers in saleyards. I would like to commend all those who have been involved in competing in a very competitive international market. The National Livestock Identification Scheme is a must.

Mr HORAN: Mr Speaker, I rise to a point of order. My question was about why they have not introduced the bulk tag tender system.

Mr SPEAKER: Order! There is no point of order.

Mr HORAN: The minister has not even spoken to it or addressed it.

Mr SPEAKER: Order! Take your seat. Member for Toowoomba South, you have the responsibility of asking the question. The minister can reply whichever way he wants to.

Q-Fleet

Mr CHOI: My question without notice is directed to the Minister for Public Works, Housing and Racing. As the chair of the Queensland Small Business Advisory Council—

Mr Hopper interjected.

Mr SPEAKER: Order! Member for Darling Downs, I warn you under standing order 253.

Mr CHOI: As the chair of the Queensland Small Business Advisory Council, I am concerned about the second-hand car industry, which is going through some very difficult times. Can the minister update the House on what Q-Fleet is doing to reduce the number of vehicles it has in stock?

Mr SCHWARTEN: I thank the member for the question. Members might have seen an article in the *Courier-Mail* last week which quoted Tony Selmes from the MTAQ as saying that we had some 3,000 vehicles out near the airport. That is not true. They are not Q-Fleet vehicles at all; they are private vehicles. As I wrote to Tony politely and pointed out, they are his cars and not mine. Tony is retiring soon. I wish him all the best. He is a very decent human being and somebody who is not frightened to voice his opinion, but he is wrong on this occasion.

The reality is that we do have a problem, as does every car dealer in Queensland. That is why we got the MTAQ in. The Liberal Party's solution is to privatise the lot of it. We are not going down that path. That is not something that we want to do. We have seen the experience in Western Australia, where it cost the government $5 million a week to do that. So we are not going to go down that path. We are going to put a policy hard hat on and work this one through. The MTAQ came to see us a fortnight ago. One of the suggestions was that we bulk up a number of vehicles and put them over to dealers. We will do that.

We have introduced Saturday auctions, and they have had some good success. The reality is that, if we wished, we could have a fire sale and ruin the business of every car dealer in Queensland. We are not going to do that. We are also mindful that we want to give the families of Queensland an opportunity to buy cars at the same rate as dealers do or can have a fair go at it. So we run them through the auctions. A gentleman from the auctions came to us yesterday suggesting that we trial a number of options. There are not 3,000 cars, as the *Courier-Mail* suggests. There are about 2,200 cars at the moment. We would like to get that down to about 1,300, which is about the limit that we should have—about 10 per cent of the fleet.

We are increasingly being caught in the petrol war. We are not immune from that, either. For the last couple of years we have been changing the nature of the fleet from six-cylinder and eight-cylinder vehicles down to four-cylinder vehicles, including the Prius. In a discussion this morning with the Minister for Natural Resources and Mines he suggested to me that we might go along the path of converting some of these Q-Fleet vehicles to using gas. We will have a look at that before we put them up for auction.

We are also keeping the cars for longer. If an organisation has a lot of cars, it does not want to go out and buy brand new cars. That is not good news for the new car industry, of course, but we have very good cars. They get a good price on the market. They are value for money. We are going to keep doing that. All the ministers have kept their vehicles for longer periods of time. We have extended the leases on them. We are not sitting on our hands in this regard at all.

Arnold, Ms V; Leahy, Mrs J

Ms LEE LONG: My question is to the Minister for Justice and Attorney-General. In light of new evidence that has come to hand in relation to the violent deaths of Vicki Arnold and Julie-Anne Leahy near Atherton in 1991 and recent allegations about the manner in which the original police investigation was conducted, as was shown on national television, in the national press, in state and local media and on radio, I ask: will the minister appoint a new independent investigation team from outside the state of Queensland to fully investigate all the known facts surrounding the deaths, including the new evidence that has recently been released, so as to allay the continuing community concerns in relation to this case?

Mrs LAVARCH: I thank the honourable member for the question. Before I answer her question specifically, I thought it might benefit the House if I just speak generally about the laws in relation to the reopening of a coroners inquest. For deaths which occurred prior to the introduction of the Coroners Act 2003, requests for the reopening of inquests must be dealt with in accordance with section 47 of the Coroners Act 1958. That provision enables the Attorney-General to order the reopening of an inquest if there is new information which was not available or considered during the earlier inquest. As Attorney-General I must be satisfied that there is a real prospect that the outcome of a further hearing would be different.

For deaths which have occurred since the proclamation of the new act, the power to reopen an inquest rests with the State Coroner. Decisions of the State Coroner can be appealed to the District Court. As the deaths of Vicki Arnold and Julie-Anne Leahy occurred in 1991, the previous provisions of the Coroners Act 1958 apply.

The death of a loved one is a very traumatic event, and I have great sympathy for those for whom the circumstances of the death are not clear cut. This is too often the case, and the grieving can continue as closure is made more difficult. I am very conscious of my obligation to the families for those deaths where I have the power to reopen inquests. I say that as a general principle. It is important for me as Attorney-General to establish during my deliberations that there is new information available which was not available to the coroner who considered all the evidence and handed down findings into tragic deaths.

In the case of Vicki Arnold and Julie-Anne Leahy, I understand that there were two coronial inquests. The findings of the first inquest were handed down on 3 September 1992, and the findings of the second inquest were handed down on 21 February 2000. I acknowledge that the member for Tablelands has written to me in relation to her request either to have another investigation or to reopen the coroners inquest into these deaths. At present I am looking at the information that the member for Tablelands has provided in her correspondence to me. I say to the member and advise the members of the House that I intend to give this request due consideration, and I will report back to the member in due course.

Taxi Security

Mrs DESLEY SCOTT: My question is to the Minister for Transport and Main Roads. Taxi drivers are great ambassadors for any city or town. They are often the first point of contact for tourists and the fount of all local knowledge. They offer a first-class service. Could the minister inform the House what services the state government is providing for taxi drivers to keep them safe and secure in their job?

Mr LUCAS: I thank the honourable member for her interest in what is a great industry in Queensland. We have the best taxi industry in Australia because we have knocked back the federal government's attempts to deregulate our industry. We want to make sure we have a vital industry that delivers top-quality services to Queenslanders.

This month and next month we will start the roll-out of our taxi security camera system, which is amongst the best in the world and certainly, by any stretch of the imagination, the best in Australia. Some 2,700 cabs in cities with a population of 40,000 and above will be fitted with the cameras—Brisbane, Redcliffe, Gold Coast, Sunshine Coast, Ipswich, Toowoomba, Hervey Bay, Bundaberg, Rockhampton, Mackay, Townsville and Cairns. The system will be implemented in other communities on a case-by-case basis.

I want passengers to know that they are secure, and I want cabbies to know that they are secure. We have the best system. In fact, we could say that it is a coalition system, because we have two lenses in our cameras. Victoria's cameras have one lens. We have two so that we can keep an eye on both sides of the coalition. Furthermore, Mr Speaker, just in case you are worried about what Michael Caltabiano is doing behind the scenes, we have a third camera that sits outside the driver's door to stop people trying to pull the driver out of the seat. This is for the Leader of the Liberal Party to keep an eye on Michael Caltabiano.

This system is top quality in terms of its picture quality. All cameras have infrared capability so that in no-light conditions sharp images can be obtained. The images from the cameras can be separated, but that is not the case with the coalition. The opposition can try as much as it likes to be like Mr Magoo, but the car cannot be split in half once people are in it.

This system will continuously record images with its 168 hours of capacity. That is more than double, and in some cases four times, the capacity of taxi cameras in other states. It helps to have a long memory. I know that a few of the members opposite have a long memory for their Liberal Party mates who have done them in the past.

In fact, in a world first, the system can retrospectively capture high-quality images when a driver hits a button after the event. The driver might not want to hit the button while a passenger is in the car. The driver can hit the button and record the previous 4½ minutes. As I said, 168 hours can be recorded. Unlike in some other states, there will be no fee for a download for a cabbie should the images be necessary for a prosecution or the like. Of course, the images are also useful in the case of something

that might have gone missing. A cab patron can access the images through the appropriate mechanisms. Victoria and New South Wales have had massive reductions in crime as a result of their installation of these systems. They will be installed throughout the state by local contractors.

We make no apology for going for the best system, because we want to make sure the police get their hands on every possible image to prosecute thugs and grubs who want to take on cab drivers, who do a very good job for people in this state.

Mr SPEAKER: Some honourable members at the back of the chamber are having difficulty hearing when the doors are opened and closed. They are creating a noise. The doors will be fixed next week. A substantial job is required, so please bear with us today and tomorrow.

Rogue Tourism Operators

Mrs STUCKEY: My question without notice is to the Minister for Tourism, Fair Trading and Wine Industry Development. In reply to a question on 10 August regarding stamping out rogue tourism operators and tourist stores, the minister replied that 'a total of 39 breaches of the act were identified.' I ask: why has no prosecution commenced? Is the government serious about stamping out rogue operators and their illegal activities or is this just another example of the government turning a blind eye to small business and the image of our tourism industry?

Ms KEECH: I am very pleased indeed at long last to get a question from the opposition with respect to tourism. I really do hope that the member for Currumbin and the members for the Gold Coast region will start to show more interest in the tourism industry, in particular the growth of the tourism industry on the Gold Coast.

With respect to rogue operators, I can inform the House that the Beattie government has tackled this issue head on. It is only the Beattie government that has introduced legislation into parliament that is tackling the issue of rogue operators. In fact, so impressed has the federal Liberal Party been with the legislation that at the last Ministerial Council on Consumer Affairs and also the Ministerial Council on Tourism the federal minister for tourism encouraged all states and territories to follow Queensland's lead.

The reputation of Queensland's tourism industry is something that I am personally absolutely committed to strengthening and fighting for. That is why we have conducted a range of compliance activities on the Gold Coast. In fact, we have had two major operations in conjunction with the Queensland Police Service and the Department of Immigration targeting Chinese tourism operators. Almost 80 tour guides and 80 bus drivers were interviewed and more than 1,600 Chinese and Taiwanese tourists were given information to protect them from being misled.

There are ongoing operations at the present time and there are ongoing compliance activities. As a result of the operations that were conducted on the Gold Coast, 11 inbound tour operators were interviewed in relation to noncompliance with the act and, as a result of that, six warning letters were issued and 13 enforceable undertakings are being negotiated to secure compliance. Other compliance operations are being planned and we are looking forward to working with the federal government through the federal minister for tourism, who understands that the attacking of rogue operators is not just a Queensland issue but one of national importance. I am also looking forward to working with the Queensland Police Service and the department of immigration.

Terrorism; Community Cohesion

Mr POOLE: My question without notice is to the Minister for Small Business, Information Technology Policy and Multicultural Affairs. How is the Beattie government supporting community cohesion in Queensland in the face of international events such as the Bali and London bombings and 9-11?

Mr CUMMINS: I would like to thank the member and acknowledge his strong belief in multicultural affairs and his positive commitment to the same. This government has increased its investment in multiculturalism with a $3 million election commitment to increase the Multicultural Assistance Program. We are funding 20 new multicultural community workers across the state, continuing our investment in workers in local governments and increasing investment in festivals, events and projects.

On top of our election commitment, we have so far provided more than $1 million in extra investment in the Queensland Multicultural Festival and the Premier's Multicultural Photographic Awards which commenced last year and were a huge success.

I am pleased to announce today that, together with the Victorian government, we are funding a new project by Monash University examining the impact of global crises on community relations. An amount of $70,000 in funding over 12 months will produce a resource kit of proposals for government agencies and communities to strengthen community relations and cohesion in the face of destabilising international events.

A 2004 Human Rights and Equal Opportunity Commission report revealed that Arab and Muslim Australians had encountered discrimination following recent global crises. When these events occur communities need good strategies to minimise tensions and educate the public about the need for harmony and understanding. We know that communities that have well-used interfaith, interethnic and cross-suburb networks are much more resilient to the effects of outside events and are better equipped to correct misinformation in the face of fear and ignorance. The resource kit will include vital information for groups about their key allies in the fight against racism including police diversity units, equal opportunity commissions and ethnic and religious organisations, as well as materials for antiracism training.

The Queensland and Victorian governments will each contribute $35,000 to the project which is being overseen by the Victorian Office of Multicultural Affairs, the Monash University Arts Faculty, the Australian Multicultural Foundation and, of course, Multicultural Affairs Queensland. Research and community consultation on the project will occur equally in both Queensland and Victoria. The report and resource kit is expected to be completed by October 2006.

National Livestock Identification Scheme

Mr HOPPER: My question is to the Acting Minister for Primary Industries. It is now three months since the introduction of the National Livestock Identification Scheme. Many producers are still waiting for tags which they need to move drought affected cattle. This is the actual question: why has the DPIF—the minister's department—failed to ensure—

Mr SPEAKER: Member for Darling Downs, that question was just asked a few moments ago.

Mr HOPPER: No, it is totally different, Mr Speaker. I ask the minister: why has the department failed to ensure that an adequate number of tags are available?

Mr CUMMINS: I would like to thank the member opposite and offer commiserations on his demotion. I am advised that the Department of Primary Industries and Fisheries and industry groups are currently awaiting a response from the Commonwealth on the specific conditions regarding funding for the National Livestock Identification Scheme. The Queensland government will not change its stance on the provision of subsidies for the National Livestock Identification Scheme.

Mr Horan interjected.

Mr SPEAKER: Member for Toowoomba South, this is your final warning.

Mr CUMMINS: The Queensland government will not change its stance on the provision of subsidies for the National Livestock Identification Scheme. However, the department—

Mr HOPPER: Point of order.

Mr SPEAKER: What is the point of order?

Mr HOPPER: According to standing order 118(b) 'an answer shall be relevant to the question'.

Mr CUMMINS: Mr Speaker, realising that I have two minutes, I will get to it.

Mr SPEAKER: As I have pointed out—and I will repeat what I said—a member can ask a minister a question; the minister will respond in the way he or she sees fit.

Mr HORAN: Point of order.

Mr SPEAKER: What is the point of order?

Mr HORAN: It does have to be relevant. In my case I asked about the bulk tag tender system. The minister never went anywhere near it. All I wanted was an answer somewhat relevant to the bulk tag tender system. That is all I wanted. The minister never went near it.

Mr SPEAKER: I call the minister.

Mr CUMMINS: The Department of Primary Industries and Fisheries continues to work with industry with a view to developing a system to reduce the price of tags. This could potentially attract some of the Commonwealth funds, which we are trying to do.

Storm Season Preparedness

Ms STONE: My question without notice is to the Minister for Emergency Services. Storm season is now officially upon us and I would like to know what residents can do to make sure that they are prepared for our storm season.

Mr PURCELL: I would like to thank the member very much for the question. I know she would be concerned to ensure that her residents in Springwood are prepared for the storm season. I thank her very much for giving me the opportunity to give this message to her constituents and other members' constituents here today.

This week I joined SES members at Morningside to officially launch some important messages for all Queenslanders during this storm season, which runs from now until April. We all have witnessed the devastation that can be caused by severe storms, and they are part of life here in Queensland. While the Department of Emergency Services is doing everything possible to be very well prepared in the event of severe storms, there are some simple things people can do now to prepare their homes and their families for the effect of severe weather this storm season.

Everyone should check that their home is in a sound condition, especially the roof and the eaves. They should trim any tree branches that overhang the roof and clear the property of any loose items that might blow about. People should also check that they have adequate household and contents insurance. That is one thing that a lot of people forget about. With building prices almost doubling in the last couple of years, it is easy to forget to increase household insurance to cover the increased costs to repair damage. People should also check their contents insurance and which hazards are not covered by the policy.

It is also a good idea to prepare an emergency kit containing a portable radio, a torch and spare batteries and a first aid kit, and to keep a list of emergency phone numbers handy. It is also a good idea to tell all members of the household where that kit, batteries and information are located so they all know its location. That list should include the phone numbers of the local fire, police, ambulance, State Emergency Service, local council, gas and electricity company as well as the phone numbers of relatives. SES crews also ask that people not go out sightseeing after a storm as they may impinge their own safety. Further information can be found on the Department of Emergency Services' web site. I encourage all residents to spend a little bit of time now to ensure they are prepared for this storm season.

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

MINISTERIAL STATEMENT

Ambulance Service, Baby Capsules

Hon. PD PURCELL (Bulimba—ALP) (Minister for Emergency Services) (11.31 am), by leave: I would like to provide further information in response to a question asked by the Leader of the Opposition about the Ambulance Service's baby capsule hire at Inala. First of all, I think the premise of the question is terrible. Whatever it costs to save the life of one young child is money well spent. I think everybody in this House would agree with that. Is the member saying that I should shut down a service like this because it is not profitable? The baby capsule hire service saves young lives. Cutting this service for the reason given by the Leader of the Opposition would be denying essential services to the community.

The true picture is this. The Leader of the Opposition, not surprisingly, is wrong. In fact, $30,000 was allocated under the department of Indigenous services' delivery enhancement package to provide 26 capsules to needy families in the local community. The figure of $80,000 represents this program plus funding allocated to CPR For Life in Indigenous communities—another very important service we offer in that community. To date, six capsules have been provided for Inala families, with four installed today. One further capsule is due to be installed next week. This program is recognised as a major contribution to the wellbeing of Indigenous communities and their kinship relations with their children. It is a highly successful program and is strongly supported by Indigenous communities.

I would further like to add that I am very disappointed in the opposition leader, as I know he represents a rural community and a rural party. To say that providing services in my portfolio to some communities costs too much is terrible. He knows how much it costs to provide emergency services in rural communities. I have just completed a trip over the last seven weeks through a large number of rural communities. I can assure honourable members that if I had to look at the costs and benefits of providing those services in the rural communities, the benefits would stack up. I can assure honourable members that we will not be withdrawing any services from any communities, particularly those in the bush. We will continue to provide emergency services to people in Queensland equally.

LIQUOR AND OTHER ACTS AMENDMENT BILL

First Reading

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (11.34 am): I present a bill for act to amend the Liquor Act 1992, the Liquor Amendment Act 2005, the Body Corporate and Community Management Act 1997 and the Property Agents and Motor Dealers 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. MM KEECH (Kawana—ALP) (Minister for Tourism, Fair Trading and Wine Industry Development) (11.35 am): I move—

That the bill be now read a second time.

The primary purpose of the bill is to amend the Liquor Act 1992 to implement stage 2 of the Brisbane City Safety Action Plan. For convenience the bill also includes minor miscellaneous amendments to the Liquor Act 1992, the Property Agents and Motor Dealers Act 2000 and the Body Corporate and Community Management Act 1997.

As members of the House will recall, the Premier released the 17-point Brisbane City Safety Action Plan on 1 March 2005. This was as a result of incidents of alcohol related violence in the Brisbane City Council area. The Beattie government took immediate action to address this serious issue. Tough decisions had to be made and the government has followed through, ensuring issues of community and public safety are addressed. We will not shy away from our responsibilities and we will ensure the liquor industry does not, either.

Earlier this year, I amended the Liquor Act to introduce a 3 am lockout on all licensed premises in the Brisbane City Council area and a statewide ban on the advertising of free drinks, multiple drinks and/or discounted liquor.

The bill currently before the House implements stage 2 of the reforms identified by the Premier in the Brisbane City Safety Action Plan and will impose tougher licence conditions on all licensees in the Brisbane City Council area who trade after 1 am.

These amendments will enhance public safety in the Brisbane City Council area by requiring these licensees to:

- develop and maintain a house policy;
- employ crowd controllers in sufficient numbers to ensure safety and security;
- cease competitions that involve contestants consuming alcohol on the premises;
- ensure all staff complete responsible service of alcohol training; and
- install closed circuit television (CCTV) at each public entrance and exit.

I thank licensees who have supported the need for the government to take action to improve public safety. A minority of licensees, however, are opposed to the tougher licence conditions. May I say to these licensees that the Beattie government is committed to improving safety and reducing alcohol related violence. I have said it before and I will say it again: the right to sell liquor is a privilege, and it is a privilege that comes with responsibilities.

For some time the Liquor Licensing Division has been actively encouraging licensees to engage in industry best practice and to take more responsibility for the conduct of their patrons both inside and around their premises. These tougher licence conditions will ensure that all premises in the Brisbane City Council area take responsibility.

Extensive consultation has occurred with licensees and, in response to industry concerns, some changes have been made to the initial proposals. However, the spirit of the licence conditions have remained the same. The Beattie government is committed to ensuring the success of these initiatives. Success will mean the public can continue to enjoy the cosmopolitan atmosphere and amenities that define Brisbane.

Stage 2 of the Brisbane City Safety Action Plan continues the Beattie government's commitment to the public by providing for increased safety, including safer streets, reduced violence and more responsible service and consumption of alcohol. The bill also contains administrative amendments to the Liquor Act. The administrative amendments will minimise administrative processes for both government and stakeholders, reinforce harm minimisation principles and clarify the intent of particular sections of the Liquor Act.

Technical amendments relating to the Property Agents and Motor Dealers Act 2000 and consequential amendments to the Body Corporate and Community Management Act 1997 are also contained in the bill.

The amendments to the Property Agents and Motor Dealers Act relate to real estate transactions. They will provide certainty for sellers of residential properties or their agents when transmitting precontractual documents by facsimile and other electronic means. At the same time, the amendments will preserve important consumer protection by ensuring that buyers' attention is drawn to the warning statements and information sheets required to be included with the contractual documents, which must be provided in a specific order.

Similarly, amendments to the Body Corporate and Community Management Act will facilitate the provision of documents relating to the sale of lots in community titles schemes, such as units and townhouses, by facsimile or other electronic means. This will ensure the benefits of the amendments to

the Property Agents and Motor Dealers Act will be realised in the case of unit sales. These technical issues address important concerns for the industries to which they apply. I commend the bill to the House.

Debate, on motion of Mrs Stuckey, adjourned.

CIVIL LIABILITY (DUST DISEASES) AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 19 April (see p. 895).

Mr DEPUTY SPEAKER (Mr English): Order! Before calling the honourable member for Caloundra, I acknowledge in the public gallery students, staff and parents from Morayfield State School in the electorate of Pumicestone.

Mr McARDLE (Caloundra—Lib) (11.40 am): I say at the outset that both the Liberal Party and National Party will be supporting the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005. This bill addresses a number of matters—firstly, the problems caused by the fact that asbestos related diseases usually take a longer time to manifest than is allowed for under existing time limits for bringing action for personal injury. It seeks to address this by allowing a claim for general damages to survive the death of a plaintiff in circumstances where the plaintiff dies before the claim is determined. It also seeks to take into account the progressive nature of dust related conditions in applications for extensions of the limitation period for the making of claims.

Secondly, it overturns an interpretation adopted by the Supreme Court in Doughty v Cassidy on the limit on damages for economic loss in a personal injury claim under the Civil Liability Act 2003 by placing a limit on an award of damages for economic loss in personal injuries claims. Thirdly, it clarifies the exceptions to the application of the Personal Injuries Proceedings Act 2002 to reflect the intention of parliament that a single claim will only be required to proceed through one form of precourt procedure.

Asbestos related diseases take a long time to manifest themselves from the time that the injury first actually occurs due to the minute nature of asbestos fibres and the ease of their inhalation. This means that often decades can pass between the occurrence of the injury and identifying its consequences as life threatening. The reality is that the injury, once received, is almost irreversible by medical treatment. Existing laws pose barriers to the bringing of successful actions by injured parties and also reduce the damages able to be awarded when an injured party dies before the action is concluded.

The bill amends the Succession Act 1981 in a number of ways. Firstly, where an action for pain and suffering for any bodily or mental harm or for curtailment of expectation of life is being brought by a person for personal injury from a dust related condition, then that action continues even if the injured party dies where the dust related condition was a contributing factor to the injured party's death. I do note that death does not actually have to be caused by the dust related condition, but it must be a factor that contributes to the death. It further amends the provision that under the common law no cause of action for personal injury survives the death of the person injured. However, it has long been provided by statute in Queensland and all other Australian jurisdictions that, subject to very limited exceptions, all causes of action, both against and in favour of a person, survive their death and proceedings can be brought by or against their estate.

In Queensland the relevant provision is section 66(1) of the Succession Act 1981. However, section 66(2) goes on to provide that, despite the survival of causes of action generally, damages recoverable by the estate of a deceased person shall not include damages falling into several categories. Such damages include pain and suffering, bodily or mental harm, curtailment of expectation of life, exemplary damages, future probable earnings of the deceased, and loss or gain to the estate consequent on the death, except that a reasonable sum in respect of funeral expenses may be recovered.

I note that clause 3 of the bill inserts in section 66 the proposed subsection (2A). This subsection provides that, despite the general non-recoverability provisions of section 66(2), the estate of persons suffering from dust related conditions shall be able to recover damages for pain and suffering, bodily and mental harm and curtailment of expectation of life provided several conditions are satisfied. These are that the cause of action must relate to personal injury resulting from the dust related condition, the deceased person must have at least commenced a proceeding in relation to this matter before they died even though the proceedings had not concluded, and the deceased person must have died as a result of a dust related condition or it must have been a factor that contributed to their death. The net result of the clause 3 changes is, in my opinion, beneficial to the estates of deceased sufferers from dust related conditions whilst having a correspondingly adverse effect on the position of the defendants in these

types of proceedings. It will take some time to assess the impact on the long-term financial viability of corporations that are so often the defendant in these types of actions.

Clause 4 of the bill inserts into the Succession Act transitional provision section 75. This provides that the new plaintiff entitlements conferred by clause 3 will apply in the case of all relevant proceedings still on foot at the date on which the bill's provisions take effect even though those proceedings will have been commenced prior to that date. Although proposed section 75 does not state so expressly, it appears that clause 3 provisions will apply even where the plaintiff has also died prior to the commencement of the bill's provisions. The Subordinate Legislation Committee has raised a question in relation to whether this retrospective legislation can be justified. It has identified that the provisions of clause 3 will benefit the estates of the relevant deceased plaintiffs whilst having a correspondingly adverse effect upon the position of relevant defendants, most of whom will, I presume, be corporations.

It has stated that there may be some doubt as to whether the clause 3 provisions are in fact retrospective in nature. The mere application of the provisions to proceedings which were commenced prior to the bill's commencement may not be sufficient to give them substantive retrospective effect. However, if, as the committee presumes but does not take as self-evident, the clause 3 amendments are intended to benefit the estate of persons who not only commenced proceedings prior the bill's commencement but also died prior to it, then it could more fairly be said that the bill has retrospective effect. Accordingly, the committee sought advice from the Attorney-General.

The amendment arguably has a retrospective effect in that it will not matter whether the injury occurred before or after the commencement of the amendment. This will have the effect that the dependants of those sufferers who have already died or settled their claims for dust related diseases will be worse off than those who are still fighting their claims through the system. The question I pose is: is this a just outcome for sufferers of asbestosis? However, practically there is probably no effective alternative open unless we were to reopen all claims for dust related death, and the question would then be: how far back could we justifiably reopen claims?

The bill then goes on to amend the Limitation of Actions Act 1974 to deal with a number of matters. In applying to extend the time for bringing an application in relation to a dust related condition, knowledge of the condition is not to be taken to be knowledge of a material fact of a decisive nature unless it is within the means of knowledge of the person suffering the injury that the dust related condition is or will be a contributing factor to significant loss of amenities or expectation of a person's life. I note that the amendment specifically provides that enhanced capacity to bring an action in relation to dust related diseases does not apply to those persons who would seek to bring an action for personal injury arising from smoking or other use of tobacco products or exposure to smoking. The explanatory notes do not justify or explain these circumstances, and I wonder if the Attorney can detail in her response why those objects and other objects such as Agent Orange are left out of the bill's terms. This also raises the issue of where this government stands on business and its antibusiness perspective in relation to this legislation.

Finally, the amendment applies to all actions relating to dust related diseases unless the action has been the subject of a judgment, has settled, been discontinued or had an application for an extension of time refused. In addition, the bill amends the Civil Liability Act 2003 to overcome the effect of the decision of the Supreme Court of Queensland in Doughty v Cassidy where the court placed a greater limitation on damages payable to be awarded for economic loss than was intended by the parliament.

The amendment will now ensure that the amount a person is able to claim for economic loss will be capped at three times the average weekly earnings. I note that this limit was imposed as part of a general amendment to civil liability legislation designed to enhance the availability of insurance to the community. The time is now coming, with the insurance market settling down, to raise the question as to whether this limitation is too extreme in penalising injured parties whose annual earning capacity is greater than the average weekly earnings.

Finally, the bill amends the Personal Injuries Proceedings Act 2002 to provide that no matter what type of personal injury claim it might be—whether against the employer, the owner or driver of a motor vehicle, or any other person—only one precourt procedure is required prior to the commencement of legal proceedings. That will limit the capacity of the person being sued to try to force claimants through numerous pretrial procedures prior to action being launched, thus saving claimants both time and cost and preventing the system being abused. In relation to current matters, pretrial procedures under the Personal Injuries Proceedings Act 2002 will be stayed in favour of pretrial procedures under workers compensation or motor vehicle accident legislation with costs of the stayed proceedings being claimable under the proceedings that continue.

As I outlined, the amendment to section 54 of the Civil Liability Act 2003 will apply to all assessments of economic loss in a personal injury claim no matter when the injury occurred in all cases where judgment or final determination has not been made. I congratulate the Attorney-General on introducing this legislation into the House. We will support the legislation totally.

Mr LAWLOR (Southport—ALP) (11.51 am): The Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005 amends four pieces of legislation: the Succession Act 1981, the Limitation of Actions Act 1974, the Civil Liability Act 2003 and the Personal Injuries Proceedings Act 2002. I intend to address briefly the effect of this legislation on the first two of those acts.

The amendments to the Succession Act and the Limitation of Actions Act are amendments that relate to dust diseases and are focused upon assisting victims of dust related conditions, such as asbestosis and mesothelioma. It is expected that the incidence of diagnosis of these diseases will peak between 2015 and 2025. Most claims made in relation to these conditions are made by workers. However, the number of claims made by partners or children of workers is increasing. The rise in the popularity of do-it-yourself home improvements may also result in an increase in the number of people contracting dust diseases. I should be pretty safe, because I think that I am probably the most useless handyman in the world, but certainly in Australia.

There are two characteristics that distinguish these diseases from other diseases or injuries that may result in personal injuries claims. Firstly, these diseases usually become apparent only 20 to 30 years after exposure to dust. Secondly, the disease may result in the death of an individual within a short time—a few months, maybe even weeks. Prior to diagnosis, there may be very few symptoms. The illness of a friend of mine fitted neatly into these criteria. Several years ago, at the age of 40, he died of mesothelioma. At the time he had a young family. He was a carpenter and he believed that he contracted the disease by coming into contact with asbestos when he was a young apprentice. He built silos in western New South Wales. In those days it was the apprentice's job to cut up the fibro that they used to build the silos. Of course, at that time the danger of asbestos was unknown—or certainly unknown to the general population.

Mr Wilson: Unknown to the workers.

Mr LAWLOR: That is right. It was unknown to the workers. It was well known to Hardie and other companies, but it was unknown to the workers. Therefore, there were no precautions taken, such as the wearing of masks or goggles. Under the existing legislation, some inequities can arise between personal injuries claims that are dust disease based as opposed to other types of personal injury claims.

The amendments made to the Succession Act relate to awards for general damages and the amendments made to the Limitation of Actions Act relate to whether an extension of the limitation period can be granted. Presently, under section 66 of the Succession Act, if a claimant commences proceedings but dies before final judgment no award for damages can be made. Given the virulence of these diseases, that often happens. That even encourages defendants not to settle. If they can spin out an action for some length of time, they may be able to avoid having to pay general damages altogether.

The proposed amendments will rectify this anomaly. An award for general damages will be permitted where an action is commenced but not finalised prior to the death of a claimant. In these circumstances, the general damages, together with all the other damages claimed under the other headings, will go to the estate of the deceased.

A claim for damages for personal injury must be commenced within three years from the date on which the cause of action arose pursuant to section 11 of the Limitation of Actions Act. However, pursuant to sections 30 and 31 of that act, the court may extend this time limit to a date one year after the discovery of 'material fact of a decisive character'. Because of the nature of dust related illnesses, that is, the uncertainty about the progression of the disease and also the time at which it can be diagnosed, it is difficult to identify the time the 'material fact of a decisive character' arises. Therefore, questions arise as to whether a low-level or a high-level condition is the 'material fact of a decisive character'.

The proposed amendment to the Limitation of Actions Act will remove this hurdle by providing that a 'material fact of a decisive character' is one by which a claimant becomes aware that the dust diseases 'is, or will be, a contributing factor to significant loss of amenities, or expectation, of the person's life'. I commend the bill to the House.

Mr LANGBROEK (Surfers Paradise—Lib) (11.55 am): I am very pleased to rise to speak to the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill. I would like to join my opposition colleagues in lending support for this bill. Essentially, the bill makes a number of amendments to the Civil Liability Act to clarify a number of issues that have arisen or are likely to arise in the current litigation environment. Firstly, the bill allows awards of general damages to be made after a plaintiff has passed away. Secondly, this bill makes clear a significant determination in the bringing of a claim, and that is whether or not the knowledge of the nature and the extent of a personal injury constitutes a material fact of a decisive nature. This is important when the court considers whether a claim can be brought outside of a certain period of time specified in other legislation.

Another issue that is clarified in this legislation is the issue of limits to awards of damages, which was brought to the fore in the 2004 case of Doughty v Cassidy. Members may be aware of this case. I will refer to it later. This case relates to an incident that occurred at the races on Ipswich Cup day in 2000. Gary Doughty, a Gold Coast premiership-winning jockey, was brought down in a fall, which ended his career. At the time of the hearing of his case it was said that the court may have been restricting

claims of damages further than this parliament intended when the Civil Liability Act was enacted. This legislation confirms that that was indeed the case and further specifies the relevant section of the act.

I am very pleased to see that this bill allows for a person's estate to continue a claim after that person has died. It is vitally important for the families of plaintiffs who die when a claim is in its middle or even concluding stages to have the claim come to a conclusion to ensure financial restitution and security and also to provide closure to what would have been an ordeal to that point. It is very true that in a great number of these cases relating to dust disease the decline in a person's health is rapid. Although the legal system works as efficiently as it can most of the time, there are a number of instances where diagnosis and rapid decline into death is so fast that a proceeding cannot be completed while the plaintiff is still alive.

Under the current law, if a plaintiff were to die before a proceeding has concluded, that would greatly affect that claim. In fact, under the current system, if a plaintiff were to die before the claim is concluded, the action would cease to continue. As a result, the estate of that plaintiff would not benefit. After the ordeal of proceeding through all the legal stages, mixed with the unenviable position of having to watch a loved one rapidly decline in health and ultimately pass away, the prospect of a plaintiff's family not receiving anything for the actions seems almost too hard to bear. This legislation rectifies that anomaly and provides those families with greater peace of mind.

The legislation also clarifies issues regarding the admission of the point in time at which knowledge of the nature and extent of a personal injury was assumed. The issue that has faced many cases is whether this is a material fact of a decisive nature for the purposes of extending a limitation period for a claim. This is indeed a very important issue, as with any issue regarding the period of time between the first signs of symptoms of an illness and the beginning of a claim.

It is always a very difficult issue to gauge, and I must commend former attorneys-general for a series of new acts in Queensland that have helped clarify the problems in this area. In particular, the Personal Injuries Proceedings Act 2002 went a long way to ensuring that all claims take a specified path and that they are done in a manner that is efficient yet fair to both the plaintiff and the defendant. There is always the concern, though, that with any of these cases the plaintiff may develop further ailments legitimately as a result of an accident after the case has gone past a certain stage or that their existing injuries have become worse after an amount has been submitted or an order made. On the flip side, if one allows all sorts of time limits for litigation, defendants are unduly advantaged and the courts will be faced with the difficult task of wading through events that occurred many years ago. The wording of the Personal Injuries Proceedings Act, though, is very good in the way that it is not a certain time after the incident has occurred but after the symptoms arise. This is particularly significant for dust related diseases as the symptoms can come about decades after the contamination.

Finally, and coming back to the point I referred to earlier, the bill clears up the intention of the Civil Liability Act 2003 so far as it relates to limiting the amount of damages for economic loss in a personal injury claim. The case that brought about this change was Doughty v Cassidy. On 1 July 2000 there was a race fall. The plaintiff, Mr Doughty, was a professional jockey. He was in the Eyeliner Stakes. He was then aged 45. He had been riding successfully for about 25 years and on that day his career ended when he was injured in a fall in a race at Bundamba. Another jockey in that race was the defendant. I think it was Larry Cassidy, from whom Mr Doughty claimed damages for negligence.

The defendant's liability to the plaintiff was admitted and the remaining issues of concern were the assessment of damages. There was no controversy as to the injuries suffered and the defendant accepted that those injuries ended Mr Doughty's career as a jockey. The principal contest was as to the value of Mr Doughty's lost earning capacity. He had recently signed a contract to ride in Macau. So the court in this case decided to assess that value of the contract in coming to its decision on damages. The issue to be discussed, therefore, with regard to the economic loss argument was Mr Doughty's riding contract in Macau, as I just said, and determinations of that would determine the size of the award of damages for the loss of that riding contract as a result of his career being prematurely finished.

Even though in the lead judgment Justice McMurdo went at length into the interpretation of many sections—in particular, section 51—of the Personal Injuries Proceedings Act and even into the second reading speech, the court, in the eyes of the parliament, went further than the legislature originally intended. In the spirit of clarification and precision, I am glad that future cases will have a more clear set of rules with regard to the assessment of economic loss. With those considerations in mind, I commend this bill to the House.

Mrs DESLEY SCOTT (Woodridge—ALP) (12.01 pm): I am very happy to speak briefly on the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005 today. I guess there are many people in this House who can perhaps put a personal face to these tragedies. It was some 12 years ago that I was assisting a family under severe pressure with a mum battling mental illness. My contact with that family extended over a period of maybe two or three years. I saw the father and children trying to cope with their many problems and bravely trying to help restore this mother to her rightful place within this loving, supportive family. However, the father was then diagnosed with an asbestos related disease, allegedly caused by his time in the Navy. I saw the devastation of a diagnosis of this nature and what it

can mean when the breadwinner contracts such a serious illness. This legislation will give support and put a framework in place which will take away one area of stress for families of sufferers. Due to the long onset of symptoms, it is designed to extend the period of limitation and also provide access to fair compensation.

This disease is insidious. It may take 20 or 30 years for symptoms to appear and then once diagnosed may take the life of the sufferer very quickly. Thus, this legislation will ensure that, although a victim may pass away before their case is finalised, their estate will still be entitled to claim for general damages. I understand this legislation will also remove the previous capping of three times the average weekly wage under the Civil Liability Act 2003 and replace it with a different regime. There is also provision for a limit of only one precourt procedure prior to commencing legal action, thus reducing legal costs.

This legislation is designed to offer procedures which will ensure financial support for victims and their families and address some of the issues such as delay through the legal system in response to the unique nature of this disease. I congratulate this government and those who have worked to bring this legislation to the House. It will ease the burden for many. I commend the bill to the House.

Dr FLEGG (Moggill—Lib) (12.04 pm): It gives me pleasure to rise to support the government's initiative in the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill. It may sound a bit unusual to have a former medical practitioner speaking in support of an extension of the powers in relation to civil liabilities, but I think this is a case where it is well worth while and quite justified. The bill covers a range of measures that other speakers have already discussed, so I will not go over those. It relates particularly to the award of damages if a person dies during the course of their case and also matters relating to when they became aware of their illness.

Asbestos has been a very vexed and saddening environmental disease of the 20th century. A disease with which most of us associate asbestos and which creates fear for a lot of people is that of mesothelioma. Mesothelioma is a very unusual disease in a medical sense. I do not know of any parallel to it. It is also tragically very rarely, if ever, curable. One of my friends who is a member of my party in my electorate is currently dying with mesothelioma. Over the years I have treated many, many patients with this disease. The unusual aspects of mesothelioma are, firstly, the fact that mesothelioma can occur with exposure to minimal amounts of asbestos. Normally with environmental pollution or some sort of carcinogenic agent in the environment there is a straight line relationship between the concentration of the agent and the incidence of disease, and most agents have some threshold below which it is generally assumed that they are safe. Mesothelioma does not have any of those characteristics. There does not appear to be any threshold below which mesothelioma does not develop. In fact, in medical circles it is widely believed and accepted that even a single respirable asbestos fibre can produce mesothelioma.

The other alarming aspect of mesothelioma is the very long time delay between the exposure to asbestos and the development of the disease. It is unusual for mesothelioma to develop in less than 20 years, and cases can be as long as 40 years from exposure. The exposures are frequently incidental. We have had what we call waves of disease in relation to asbestos. The first wave was the miners of asbestos who were exposed to massive doses. They also developed another disease called asbestosis, which is totally different. It relates to a heavy exposure to asbestos, and it is a disease that affects the whole inside of the lung and not just the lining of the lung.

The second wave—I did have the waves written down, but I will do them off the top of my head—is the builders. Once this material was manufactured into products, particularly fibro type sheeting that was used for walls and roofs, workmen worked with the product and cut it with saws, hammered it and so forth and were subjected to what would these days be regarded as reasonably high levels of exposure. Certainly, in terms of people we meet in Queensland, this is the group that we see commonly. My friend in Moggill worked in the building industry. I treated a patient, a beautiful young lady in her 30s, who succumbed to mesothelioma and her only known exposure was washing the work clothes of her husband who worked in the building industry. She still had a family at home at the time she passed away.

The other thing which follows on from the comments that have been made about mesothelioma is that the peak incidence of this disease in Australia is still a long way off. Most estimates put the peak exposure—the high point in the number of cases—to be around 2020 because there is this enormous delay in the cases presenting. This is even despite the banning of mining and use of these products. It may well be that the peak in this disease is even further out than that. It is a disease that, unfortunately, quite frequently affects very young patients. Even though it has this long time delay, these patients are often young because they are exposed sometimes in childhood but often early in their career if they are working in areas where that has happened.

We have had a pretty vigorous debate in Queensland over the last 12 months in relation to asbestos in schools. My remarks on the asbestos related disease perhaps explain some of the passion I feel about creating safety from exposure to asbestos in our schools and why the issue around mesothelioma and asbestos exposure is unlike any other occupational risk that I know of.

I think the member for Southport said that we could even conceive of a situation where defendants would use the nature of this disease as a defence in the sense of stringing it out in the hope that a defendant might die. One would hope that would not happen, but it is probably better to make sure that does not happen by a piece of legislation like this—not showing very much faith in some people there.

I will conclude my remarks at this point because I do not think there is going to be much of an argument around the chamber for the Attorney-General on this particular bill, but we do see the need for it and support it. I appreciate her bringing it forward.

Mr PEARCE (Fitzroy—ALP) (12.11 pm): I am very pleased to take part in the debate on the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005 before the parliament today. It was great to get a medical perspective from the member for Moggill with relation to the diseases that are covered in this act. This amendment bill will enhance procedures in dust related personal injury claims. This is a Labor government at its best, making legislative change in the best interests of workers and workers' families. I congratulate the Attorney-General for—

Mrs Lavarch: The former Attorney.

Mr PEARCE: Yes, the former Attorney for bringing in the legislation and the current Attorney-General for ensuring its passage through the parliament.

These amendments are necessary because the incidence of dust related health conditions affecting Queenslanders continues to rise. Unfortunately, dust related illness can remain undetected for long periods of a person's life. However, within a short term of diagnosis, this can cause death. Unfortunately, I lost a friend today. He lost his life as a result of having a dust related disease. I send my condolences to the family and hope they get through this tough time.

This means that a person lodging a claim for compensation for a death-causing disease can in some cases die before they can complete the normal court process. Such situations are unfair and unreasonable for the injured worker and their family seeking damages. Under the existing legislation, the death of a claimant before a judgment of the court means no benefit being paid to the estate. Amendments to the Succession Act 1981 will change that unfair and unreasonable situation and will allow general damages to be awarded in favour of an injured worker. If the worker passes away before that judgment can be made, then the benefits will go to the estate of the deceased.

This is good news for those unfortunate workers who, for whatever reason, find themselves suffering the consequences of a dust disease and for their families who have to pick up the pieces after the loss of a loved one as a result of a workplace-born disease. I will talk more about the amendments later. I just want to make a few other comments. In particular, I want to put some statistics into the *Hansard*.

In 2003 there were 128 asbestos related deaths in Queensland—37 deaths or 40 per cent more than the previous year. In 1997 the number of asbestos related deaths more than doubled in Queensland, from 61 deaths in 1997 to 128 deaths in 2003. Of the 128 asbestos related deaths in 2003, the majority of deaths—91.4—resulted from mesothelioma compared to 8.6 for asbestosis. In 2003, mesothelioma deaths grew by 33 per cent from the previous year. In the past six years the number of deaths due to mesothelioma has almost doubled, rising from 59 deaths in 1997 to 117 deaths in 2003. This represents an average annual increase of 12.1 per cent over the past six years. So it is something that we really have to take notice of.

Asbestosis resulted in 11 deaths in 2003, with a significant increase from 2002 of three deaths. However, a longer time series reveals that deaths due to asbestosis are very volatile and do not have a clear trend in either direction. Since 1997, Queensland's proportion of asbestos related deaths in Australia has steadily increased. In 1997 Queensland represented 13.7 per cent of asbestos related deaths in Australia. By 2003 the Queensland share had increased to 21.2 per cent. The most marked increase in Queensland's share of total asbestos related deaths in Australia occurred in deaths due to mesothelioma. Queensland's share of this disease increased by 8.2 percentage points in just six years, up from 14 per cent in 1997 to 22 per cent in 2003. So the evidence is there. There is a desperate need for this legislation to make sure that people get looked after in this time of their life.

The bill before the House amends legislation for claim procedures for dust disease sufferers to address issues that are unique to these claims to ensure that dust disease sufferers are not unfairly disadvantaged in Queensland's court system. The number of asbestos related dust diseases are alarmingly on the increase. The long period between exposure to asbestos fibres and manifestation of asbestos disease means that the epidemic of asbestos disease is yet to peak in Australia, and they do not think this will happen until around 2023. It is believed that as many as 45,000 persons may die in Australia over the next two decades. Some 2,500 persons annually are diagnosed with asbestos caused diseases and the numbers are rising, so it is really a big issue for the community.

With the increase in the diagnosis of dust diseases set to occur over the coming decades, it is essential that we have the process right for sufferers and their families making claims for compensation. Dust diseases, as distinguished from other personal injuries, have a number of attributes which can give rise to unique legal challenges for sufferers claiming damages. Dust diseases manifest an extended

period after exposure to dust, they often cause death within a short time of diagnosis and they do not progress in a predictable manner from lower level health problems to more serious illnesses.

The amendments will ensure the timely settlement of dust disease claims and the receipt of proper compensation for pain and suffering. They will also ensure that unnecessary legal costs are not incurred by sufferers and they will help prevent legitimate claims being dismissed for being out of time.

The bill amends the Succession Act 1981 and the Limitation of Actions Act 1974 in relation to dust disease claims. The amendments extend beyond application to asbestos related diseases to cover a broad range of dust related conditions including dust diseases associated with mining and farming. When I first heard about this legislation coming into the parliament, one of the issues I was concerned about was whether it covered all of the diseases rather than just asbestos related diseases.

There are a number of diseases that are now covered in the legislation such as aluminosis, asbestosis, asbestos induced carcinoma, asbestos related pleural diseases, bagassosis, berylliosis, byssinosis, coal dust pneumoconiosis, farmers lung, hard metal pneumoconiosis, mesothelioma, silicosis, silicotuberculosis and talcosis or any other pathological condition of the lung, pleura or peritoneum that is attributable to dust.

The amendments to the Succession Act 1981 provide for increased access to damages in dust disease claims where the sufferer has passed away. Currently if a person dies before the claim is finalised their estate is not entitled to claim damages for the pain and suffering, loss of amenities of life and loss of expectation of life known as general damages. This can cause difficulties in dust disease claims as often death will occur within a very short term. For example, for sufferers of mesothelioma, death usually occurs nine to 12 months after the diagnosis. Because the sufferer may die within a short period of the diagnosis, the time to institute and resolve a damages claim is reduced. Just imagine the suffering that people would go through in that period of time knowing that they have a disease, that they are close to death and that they do not have any time to make successful claims. That is why this legislation is such a wonderful outcome for workers and families.

If the sufferer passes away before the claim process is complete, then the family of the sufferer is not able to claim for general damages. This must cause a lot of heartache for families who have lost, in many cases, not only their loved one but also the breadwinner if he or she was able to continue to work. This results in reduced compensation support to families of sufferers and reduces the defendant's incentive to settle claims early. The amendments will ensure that the claim for general damages for a dust disease sufferer will survive the death of the sufferer that was caused by the disease.

The amendments to the Limitation of Actions Act 1974 clarify how the limitation period for commencing a dust disease claim in court can be extended. These amendments are aimed at reducing legal costs for all parties and ensuring sufferers' claims for damages are fairly protected. Under the Limitation of Actions Act the limitation period for seeking damages for personal injuries is generally three years from the date of the injury. However, the act allows an extension of time to be sought in particular cases. Dust diseases often remain undetected for decades. For example, after exposure to asbestos it can take up to 40 years before the signs show through that a person has an asbestos related disease. It can take 10 to 20 years in the case of silicosis. As the three-year time limitation invariably would have expired in these cases, the sufferer will be required to seek an extension of the limitation period to pursue their claim for compensation in the court.

Working out these extensions of time can be complex. Dust related conditions can start from a lower level health problem, such as a lung condition known as pleural plaques. This condition may have little impact on the person's day-to-day activities at the time. At a later time the condition may develop into more serious debilitating or life-threatening conditions such as asbestosis. However, the conditions do not necessarily always progress in this sequence.

The court has to work out the point in time from which an extension of time will be granted. There can be legal uncertainty about the relevant date—is it the date when the pleural plaques are found or a later date, such as when asbestosis is diagnosed? It is a very complicated process not only for the medical profession but also for anybody trying to determine the outcome of a claim.

I want to make a few comments about coal dust related diseases. I am certainly no expert in this area, but for a coalminer there is recognition that atmospheric dust can lead to a number of lung disorders and diseases. One of these diseases is pneumoconiosis, which is a term used for lung diseases caused by dust inhalation. Pneumoconiosis can be induced by overexposure of workers to dust. Asbestosis and coal workers' pneumoconiosis are the most harmful type of disease because they can lead to the development of fibrosis of the lungs. Coal workers' pneumoconiosis, which is also known as black lung, is caused by the gradual accumulation of coal particles within the lung tissue. The longer the miner works in a high atmospheric dust environment the higher the risk of damage to the lungs will be. From my experience in the industry, most of the dust inhaled is trapped in the nose and throat. They are the larger particles. A schnoz like I have will take a fair load. The finer particles are the ones that actually remain and are taken into the windpipe and the lungs. My GP has told me that I was fortunate that I left the coal industry when I did as it would not have taken much more exposure for me to be in a situation where he would have some concern.

The dust trapped in the lungs aggregates to form nodules that show up on X-rays or in a postmortem. The most worrying factor for mine workers is that it generally takes 20 to 30 years of exposure for there to be a significant degree of the disease. I think that would depend on the concentration of the airborne dust and, of course, the frequency of the worker being exposed to high levels of dust. It is not an open-and-shut case.

It is well accepted by the community that coalmining has inherent risk. Large equipment is frequently used in confined spaces. A work force under pressure to maintain high production levels means that we have a high-risk environment where accidents can happen. When there is an incident it can frequently result in serious bodily injury and, unfortunately, the death of a worker or workers. Similarly, the use of large equipment in confined spaces can generate significant levels of coal and silica particles, therefore a high risk of overexposure.

When I worked in the industry the equipment was not the best. I can remember working in areas with high densities of coal dust. At the time you are young and you are energetic; you just want to get stuck into it. You really do not think about the consequences to your life at a later date.

At the coalface, for example, where the coal has been cut, there is a lot of dust. The coal goes on to a conveyer system. Where there is a transfer point, where the belts change direction, there is a lot of dust. At unloading points there is a lot of dust. In fact, anywhere where coal is moving workers will be exposed to dust and dust particles will go into the air that can be taken in by humans if they do not have protection.

The coal industry has invested heavily in improving safety in the workplace. Coal legislation, under duty of care obligations—it is great legislation that has been put into place in Queensland by a Labor government—has been responsible for the coal industry investing in the health of miners and the safety of coalmine workplaces, but workers will continue to be exposed because that is the nature of the industry. Their future health depends on the use of safety equipment such as the use of respirators and the attitude of management to how far workers will be pushed in the chase for coal.

I went to the mining division of the Construction, Forestry, Mining and Energy Union to get some feedback on the amended bill before the House. The CFMEU is a union that I am very proud to be associated with because it has a real commitment to the health and safety of the people in the industry. I congratulate it and commend it for its ongoing determination and dedication to looking after the workers in the mining industry. The union understands the issues and has the courage to take on bosses who take their work force for granted. I saw it as important for the coal industry workers to invite the CFMEU to comment on the bill. In response, District Secretary Greg Betts said in a letter to me in May—

We view the Bill favourably, as we see it as being of great potential benefit for our members.

In his letter Mr Betts talks about the coal dust levels increasing across the coalmining industry in Queensland due to the mining of thick seams and place-changing practices. This means that workers are facing increased exposure to dust and therefore dust diseases. Equipment with asbestos components is being serviced more frequently due to production demands. This means there is a greater risk to workers. The CFMEU, through Mr Betts, sees that the passing of the bill will assist members and their families in terms of increased access to damages when the person passes away. In addition, there will be clarification with respect to how the limitation period for commencing a claim can be extended. The CFMEU acknowledges the benefits of the bill. However, it makes the point that prevention is the ultimate cure with respect to the health and safety of workers. They point out that this can be achieved through the mines inspector administering the legislation in a vigilant and responsible fashion. Mr Betts says in the final paragraph of his letter—

Unfortunately, such a Bill is necessary as it is only through such legislation that companies will take steps to ensure that their push for production does not detract from what should be the first goal—providing a safe place of work for its workers.

This government is taking serious action to protect the health and welfare of people who work in the mining industry and has the legislation to back that commitment. As a former coalminer, and proud to be a former coalminer standing in this place, I know that I struggle sometimes to get across the pronunciation of words, which has been demonstrated in my presentation here today, but I say to the Attorney that this is great Labor Party legislation and it will deliver benefits to workers and families—and that is what we are all about.

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (12.30 pm): In rising to address this Civil Liability (Dust Diseases) and Other Legislation Amendment Bill I too would like to place on the record my congratulations to both the previous Attorney-General, the Hon. Rod Welford, and the current Attorney-General for seeing this bill to fruition. One of the early meetings I had when I was elected was with a lady whose husband was dying with mesothelioma and at the time they were looking not only for recognition of the disease but also for compensation for the disease. A number of early cases were being addressed in the courts. She told me of the suffering that her husband faced. She did not articulate it but it was evident that she also went through quite a lot of pain in nursing her husband and coping with the circumstances that that family faced.

The same circumstances arise with asbestosis. I am also aware of a gentleman who has been heavily dusted in the coalmines and have watched his quality of life deteriorate markedly over the years to the point where he cannot work and is on oxygen every night. That family has suffered greatly, not because they themselves have been out in the coalmine but because their husband and father has changed quite distinctly from the person that he was.

Assistance for those families that is less painful is certainly welcome. I know that I am being harsh, but it is my view that the companies involved often draw out the court case in the hope that the person is deceased before the court case is concluded. This legislation will address that situation. Whilst it will not bring a loved one back it will certainly make it easier for those who are left behind to know that justice has been served.

In these cases of people affected by dust diseases, it is not just the sufferer who is affected; the partner, the children, the grandchildren and the extended family are also affected. I am sure that these people will be comforted by the changes that are proposed. Again I congratulate the minister.

I would seek the forbearance of the Speaker, if I could, to touch on a similar matter but a different jurisdiction and call on the federal government to look at this legislation and to take some compassion from it and apply it to their jurisdiction. I am referring to those who worked in the Australian Air Force in the deseal/reseal program. I am sure that members of that crew are dotted across Queensland. I have a couple in my electorate. They exhibit symptoms such as mood swings, dizzy spells, outbreaks of lesions, headaches and memory loss. There are different grades of people who have been exposed: those who actually got into the tanks, those who cleaned the equipment once it was taken out of the tanks and those who had less direct contact. All of them are affected to a greater or lesser degree. They have been lobbying for quite a long time for recognition of their illness and compensation for it.

The federal government has finally said that it recognises the disease and has offered them the princely sum of $10,000 or $40,000, claiming that that would be a significant and substantial contribution to these men and women in recognition of this consideration. I think that is an insult. It is an insult that they have to go through the process that they have to go through to prove that they have the illness and it is an insult to say that the loss of quality of life and, for some, death is worth $40,000.

I call on the federal government to find its heart and to consider these people. There are not thousands of them; between 400 and 800 people are affected. I call on the federal government to recognise the loss of quality of life. As we see in these dust related diseases, it is not only death that impacts on families; it is the loss of quality of life. Some manage, some stay together, but many do not; many families break up. The federal government needs to get real in its offer to the people who are suffering from these chemical related diseases to do with the F111 deseal/reseal program. It needs to look at this legislation and the principles that are being espoused under this legislation that we are considering today and which I believe will be passed with the full support of this parliament which will offer some dignity to the people involved in that program. Again I commend the minister and I look forward to the peace of mind and the confidence that it will offer families who have been affected.

Mrs MILLER (Bundamba—ALP) (12.35 pm): I rise in support of the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005. The bill amends the Personal Injuries Proceedings Act 2002, the Civil Liability Act 2003, the Limitation of Actions Act 1974 and the Succession Act 1981. The amendments are focused on assisting the beneficiaries of dust related conditions such as asbestosis and mesothelioma. It prevents the families from suffering twice—that is, suffering from the death of a loved one and also the potential loss of any monetary recompense.

The levels of diagnosis of these diseases are expected to peak in the next 10 to 25 years. The majority of claims are made by workers. However, there is an expected increase in claims to be made by partners or children of workers and the claims may also increase as a result of home improvements completed by home handymen.

People with dust diseases deserve respect and our empathy. They are terrible diseases for the patients and also for their families. Upon diagnosis the disease can take hold very, very quickly: sometimes within weeks, sometimes months, sometimes years. We would all remember the ACTU campaign several months ago in relation to asbestos diseases. I would like to congratulate the ACTU and also the unions for looking after the interests of our workers. I would also like to congratulate the doctors and nurses who treat the patients and also care for the families.

The proposed amendment to the Succession Act is an amendment based on compassion. The victims can have some peace of mind should they pass away prior to their claim being resolved. I would also like to endorse everything that the member for Fitzroy has said in relation to the coalmining industry. My own father, who was a coalminer for 46 years in the West Moreton coalfields, is one of those men who is dusted. He is dusted in relation to the coal dust that he inhaled in his 46 years down the mines. As the member for Fitzroy has said, whenever he goes for a chest X-ray he is recalled back to the doctors within hours so that they can further investigate the fact that he is a dusted former coalminer.

I would also like to congratulate Mr Betts and Mr Vickers of the CFMEU for their interest in this particular legislation and all of the CFMEU union officials throughout the state. In conclusion, this is compassionate legislation introduced by a Labor government based on sound social justice principles. We are there to look after our workers.

Mr WELLINGTON (Nicklin—Ind) (12.38 pm): I rise to participate in the debate on the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005. I congratulate the government, the Attorney-General and all people who have been involved in drafting, preparing and working on this very important new law for Queensland. This is an example of the Beattie government showing politicians at other levels of government that we can pass new laws to respond to failings in our current system such that many people are currently not able to receive just and fair treatment.

I give credit where credit is due. To the Attorney-General, the former Attorney-General and the Premier, I say well done. This is good law. It is fair, just and necessary. As the member for Gladstone said, I hope that federal politicians, those in the Liberal Party, those in the National Party and all members of other political parties throughout Australia look to this legislation as an example of how to change laws to improve the lot of ordinary Australians and people who work in conditions that necessitate them relying on legislation such as this, sometimes by their estate after they have passed away. There is nothing more traumatic than going to see a solicitor about making a claim or about making a claim on behalf of a loved one who has passed away.

I certainly do not intend to restate the matters that have already been raised in this debate other than to say: well done, Premier Beattie and your government. You deserve credit for this. I hope that all Queenslanders are prepared to give true recognition to what I believe is pioneering, good legislation. Congratulations and well done.

Ms NELSON-CARR (Mundingburra—ALP) (12.40 pm): I rise in support of the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill. Firstly, I congratulate the new Attorney-General on this great piece of legislation. In her early days as Attorney-General, it must be nice to have complete bipartisan support. Well done.

The bill amends four pieces of legislation: the Succession Act 1981, the Limitation of Actions Act 1974, the Civil Liability Act 2003 and the Personal Injuries Proceedings Act 2002. I speak specifically and very briefly in support of the amendments to the Personal Injuries Proceedings Act 2002, or PIPA as it is known, as well as in support of the bill generally.

The bill puts in place a precourt procedure for personal injuries claims. The procedure provides claimants and defendants with a framework in which to notify claims early, to allow appropriate time to investigate and to bring the parties together to resolve their issues without the need to go to the expense of court proceedings. This is going to be of enormous benefit to ordinary working Queenslanders.

Parliament's original intention when introducing the precourt procedure in PIPA was that workers composition and compulsory third party motor vehicle insurance claims against the relevant defendant under that legislation were to be excluded from having to comply with PIPA. Workers compensation claims and motor vehicle accident claims have their own procedures under the Workers' Compensation and Rehabilitation Act 2003 and the Motor Accident Insurance Act 1994 respectively. Originally, PIPA only applied to new claims; that is, incidents which occurred on or after its commencement.

On 26 August 2002 parliament amended PIPA to make it apply retrospectively to all personal injuries claims no matter when they occurred, except for matters in which proceedings had already been commenced or offers of settlement made.

So the amendments to PIPA are technical in nature and will apply retrospectively to clarify that all workers compensation and motor vehicle accident claims are excluded from the operation of PIPA. This is a very fair piece of legislation. It is socially just and it is good Labor policy. I commend the bill to the House.

Mr NEIL ROBERTS (Nudgee—ALP) (12.43 pm): I, too, am pleased to support the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005. As have other speakers, at the outset I want to congratulate the former Attorney-General and also the current Attorney-General and her department on bringing this bill to the House. A mark of any good government and, indeed, a good minister is to have the capacity to recognise anomalies in law and to take steps to address those anomalies.

In that regard, at the outset I want to commend the minister also on her initiative and foresight to, over time, review the laws relating to neighbourhood relationships, about which she spoke recently in the media. It is an important area of law and one which does need to be reviewed to ascertain the relevance of some of those laws to contemporary living arrangements. It is a refreshing start to her ministry, and we certainly wish her well in the work she will undertake.

I return to the specifics of the bill. As the minister said in her second reading speech, the nature of dust diseases means that sufferers face unique challenges in bringing claims for compensation. Not everyone fits neatly into the criteria which are generally designed to meet the most common of circumstances, one instance being the time limits which apply for lodging claims for damages or injury.

There is always an exception to the rule, and on occasions it is right and just to specifically address the issue via legislative change. Dust disease sufferers certainly fit into this category.

One of the specific problems is that there is usually very little time between diagnosis and death. As a result, victims often receive less compensation—if any at all—and, on average, face higher legal costs. This bill addresses those problems via two mechanisms. Firstly, it increases access to damages for dust disease sufferers through an amendment to the Succession Act. The amendment provides that, where a person starts a claim for dust disease related damages but dies before the matter is finalised, an estate is entitled to continue with the claim for any general damages to which the sufferer would otherwise be entitled. That certainly will provide some comfort to sufferers of these terrible diseases and, indeed, their families.

The second mechanism extends the limitation period for commencement of a claim. That is achieved through amendments to the Limitation of Actions Act which clarify the ways in which sufferers may apply for an extension of the limitation period and which take into account the progressive nature of the condition. Those amendments recognise that most dust disease sufferers may not be fully aware of the extent of their disease until many years after an injury occurs.

The bill is, in a sense, just one more step in the government's comprehensive approach to dealing with some of the many difficult issues that arise in the area of public liability insurance and related insurances. The liability insurance reforms that have been introduced by the Beattie government have been shown to be having a positive effect in the community. While it is accepted by most people that insurance premiums will never return to levels experienced prior to the collapse of HIH, the evidence shows that there has been an improvement in the insurance market as a whole. According to the ACCC, public liability insurance premiums fell by, on average, 15 per cent in the first part of 2004, with further reductions possible in 2005. That situation is a complete turnaround to the pattern of premium increases that have occurred since the year 2000. The average cost of claims has also decreased by 11 per cent.

In respect of professional indemnity insurance, the ACCC reports that in the six months to 30 June 2004 average premiums fell by 17 per cent, again reversing previous trends, even though average claim costs increased by 21 per cent. Specific examples of reductions from local insurers are Suncorp Metway and GIO Insurance, which earlier this year reduced general liability premiums for not-for-profit organisations by 10 per cent. That is welcome news. However, the government does have expectations that the insurance industry will continue to deliver further reductions to policyholders. Our view is that the comprehensive range of tort law reforms introduced by all states and the Commonwealth have been a major factor in the stabilisation of the liability insurance sector and in the return to profitability by many insurers.

We are concerned, however, by anecdotal reports that the industry is not passing on the full benefits of these reforms to consumers. A recent survey of Victorian consumer groups revealed that 92 per cent of the groups surveyed had not experienced a reduction in premiums, despite that state's tort law reforms. This survey gives credence to the Queensland government's call for the federal government to increase the monitoring and enforcement powers of the ACCC, an issue on which our Premier has consistently advocated to the Prime Minister.

In closing, I reiterate that this bill does amend several acts which will assist sufferers of dust diseases and their families to receive fair access to compensation. Accordingly, I commend the bill to the House.

Mr CHOI (Capalaba—ALP) (12.49 pm): I rise this afternoon to support the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill. The proposed amendments apply to a number of acts and are targeted towards improving the procedures involved with dust related personal injury claims. The main amendments are to the Succession Act 1981 and to the Limitation of Actions Act 1974. Other amendments are made to the Personal Injuries Proceedings Act 2002 and the Civil Liability Act 2003. As is the case for the rest of Australia, the incidence of dust related diseases in Queensland continues to rise. These amendments are necessary as they will provide an increase in access to damages associated with dust disease claims where the victim dies. This will effectively benefit the estate of the deceased by ultimately providing assistance to grieving family members.

The diagnosis of dust related conditions can be uncertain from a legal point of view. Dust diseases can remain undetected for decades. To seek compensation, most sufferers have to seek an extension of the limitation period from the court. These amendments will clarify how the limitation period for commencing a dust disease claim can be extended. Overall, the proposed amendments are geared towards ensuring that sufferers and their families will receive access to fair compensation and also to a reduction in their legal expenses.

Of all diseases in this category, probably the most publicised illnesses are those tragic cases where people have been diagnosed with asbestos related disease. Asbestos is a mineral rock mined from the earth. It was one of the building materials that was most used when I was going through university. It is composed of strong fibres that are long and silky in appearance. When it is processed, many very small fibres are created which are needle-like in shape. I still remember that I was given samples of those fibres when I was very young at university. It is these deadly invisible particles that can

kill. The asbestos fibres can become airborne because they are very fine indeed. Once in the air, the fibres are easily inhaled or swallowed. When they are inhaled, they can cause lung related cancer.

Asbestos causes no immediate symptoms—and that is one of the biggest problems when it is inhaled—and no disease becomes apparent until decades later. Any amount of asbestos exposure is far too much. Even single, short exposure levels of airborne fibres may result in asbestos related disease. There is no known safe level of exposure to asbestos and there is no known cure at this stage. With the passage of time, inhaled asbestos fibres can sometimes cause inflammation to occur in the lung tissues, leading to scar tissue or fibrosis. It causes the lung to stiffen and cuts down on the passage of oxygen between the air and the blood. Such reduced oxygen movement may be measured by lung testing and chest X-rays. Asbestosis is usually progressive and does not reverse, which is unfortunate because it leads to respiratory disability and sometimes death from lung failure. Symptoms such as shortness of breath, coughing, chest tightness and skin discolouration are very common.

Unfortunately, the product has been used for more than 3,000 usages. Thousands of Australian workshops and homes have been built with asbestos fibro roofs, floors and walls. Public buildings, hospitals, schools, libraries, office blocks and factories have asbestos in the insulation, airconditioning and ceilings. I was alarmed after reading details contained in a recent news release from the Royal Australian Institute of Architects. It is of grave concern for each one of us when asbestos dust can become a deadly side effect of home renovations. With hundreds of thousands of renovations taking place each year in this country, the potential for family members, including young children and babies, to come into contact with this deadly dust is very high, especially if people are living in their homes whilst the renovation is taking place.

It is a well-known fact that one-third of all houses built in Australia before 1982 contain some kind of asbestos. Because of its attributes to resist heat and flexibility, it was used as a form of insulation around pipes, behind radiators or wood-burning stoves. The asbestos in these products is usually embedded in the sheet, but if the sheet is being cut or breaks due to natural deterioration the dust can be very harmful. The news release states that if the cement sheet was bought and installed five years ago it should be safe, but if it was installed before 1983 then there could be a problem. However, in saying this, the removal of sheets should only be done by professionals. Removal and disposal of asbestos cement sheets should be undertaken only by licensed contractors or companies.

I again stress that it is of genuine concern to us that there remains widespread ignorance of the dangers of asbestos within the community as to where asbestos is located and also that it is still used in products produced and imported into Australia. With more than 500 people a year contracting the disease, Australia has the highest per capita incidence of lung cancer related to asbestos in the world. The Asbestos Disease Foundation of Australia estimates that the number of people diagnosed with this killing disease will not peak until 2020. By then, there will be 13,000 cases of diseases related to asbestos usage. It is important to get the message through to some home owners who are undertaking or planning future renovations in their homes to have a health and safety plan to ensure that when asbestos is being removed it is being done properly by trained technicians and contractors.

It is interesting that a product such as this has been sold for a long time in many nations around the globe, including Australia, and companies which make it make a large amount of profit from it. Companies manufacturing and selling asbestos products knew at the time that they had a lethal product but kept silent about the dangers of asbestos because they wished to make, in their words, 'profits for their shareholders'. The most renowned company operating in this fashion without a doubt would be James Hardie. The legal tactic employed by James Hardie to avoid its responsibility to asbestos sufferers is one of the most breathtaking acts in Australian corporate history.

This is one of the largest exercises in order to avoid responsibility. James Hardie has indicated that it had knowledge of the dangers of asbestos since 1930. In 2001 James Hardie removed its company and assets to the Netherlands, beyond the reach of asbestos victims. Some $1.9 million was transferred from Australia to this new entity in Holland. This is clearly not acceptable, and it is about time the federal government and the business sector stood up for some corporate responsibility. This company has made solid profits by selling deadly products to Australians for almost 80 years. This is a defining issue. Every responsible Australian government, regardless of its political persuasion, should do what is necessary to right this outrage and ensure that it cannot happen again.

The families of asbestos victims claiming compensation will benefit from these amendments when payouts can be made to the estates of their dead loved ones. This legislation is a welcome event for these families as the nature of dust diseases has often been a race against time for the victims to finalise their case before death. The Beattie Labor government is committed to representing the needs of asbestos victims and their families. These new amendments provide real justice to asbestos disease victims by eliminating the need for deathbed hearings. The Beattie Labor government assures people, particularly anyone who is suffering from this disease or who has a family member or friend who is suffering from this disease, that we are certainly on their side and we will not be letting this issue go. The proposed amendments are a giant step forward in legislation regarding compensation and assistance to sufferers, and I commend this bill to the House.

Sitting suspended from 12.58 pm to 2.30 pm.

Mr SPEAKER: Before calling the honourable member for Chatsworth, I remind honourable members that this is the member's first speech and should be listened to with the courtesies normally reserved for such occasions. For the purpose of the honourable member making his first speech, standing order 236 regarding relevance will be relaxed by the chair. I call the honourable member for Chatsworth.

Mr CALTABIANO (Chatsworth—Lib) (2.30 pm): Thank you, Mr Speaker, and I appreciate the relaxation of the standing orders of the House. Today is a great day in the history of the Liberal Party in Queensland. Today we acknowledge the by-election results conducted on 20 August 2005. The people of Chatsworth and Redcliffe delivered by-election victories for the Liberal Party over the Labor Party for only the fourth and fifth time respectively in the past 55 years of parliamentary democracy here in Queensland.

It is with a sense of pride and achievement that I rise in this place to deliver my maiden speech. My journey to state parliament began nine years ago with my election to the Brisbane City Council. I have enjoyed great support from the residents of the Chandler ward on this journey in addition to the immense support of my family and members of the Liberal Party. As the newly elected member for Chatsworth, I pledge to always do my best to faithfully represent all of my constituents, their ambitions and their aspirations in this place.

The electorate of Chatsworth is a slice of Brisbane that has many similar features to other electorates in and around the middle suburbs of Brisbane. A significant difference, though, is the average number of people who speak Chinese, Greek or Italian at home—approximately double the state average. The seat was created in 1959 out of the seats of Mount Gravatt and Coorparoo and covers the eastern suburbs of Belmont, Carina, Camp Hill, Carina Heights, Carindale, Capalaba West, Chandler, Gumdale, Ransome, Wakerley, Manly West and Tingalpa. There are some wonderful natural features and sporting facilities in the electorate—Mount Petrie, Pine Mountain, Whites Hill and Bulimba Creek to name a few. Those features provide the community with great recreational opportunities as well as sustainability for flora and fauna. In the position of councillor for the ward of Chandler, the enhancement and protection of the national environment was one of my key priorities. This commitment I will continue in my new role in this place. The Sleeman Sports Complex at Chandler and the Belmont Rifle Range complex are sporting facilities of a national and international standard and deserve special mention as they are major contributors to the lives of so many people from Brisbane and across Queensland.

The first member for Chatsworth was the Hon. Sir Thomas Hiley, Treasurer and minister for housing, who served from 1960 to 1966. In his maiden speech he said—

> It is the duty of His Majesty's opposition in this House to assist in the passage of legislation that comes before us for consideration. It has the duty to question it and it has the duty to criticise and through the exercise of those duties to guard against malpractices and abuses.

Those were wise words at the time and equally significant today. Sir Thomas Hiley was succeeded by the Hon. Bill Hewitt, minister for environment, valuation and administrative services, who served from 1966 to 1977. Today Bill lives just outside the new Chatsworth boundaries. I thank Bill for his assistance with the by-election campaign. Bill is a life member of the Liberal Party and still plays an active role in our community. The third member, until his recent resignation, was the Hon. Terry Mackenroth, Deputy Premier and Treasurer, who served from 1977 to 2005.

On 20 August, after almost 28 years of being held by the Labor Party, Chatsworth is again a Liberal seat. I am honoured to be elected to be the fourth member for that seat. The people of Chatsworth made a firm, clear and historic decision. Their decision was not based on the electorate-specific issues of the day; their decision was based on the performance of this government since 1998. In the past 18 months, it was not possible to cause the public health system to go into meltdown, as the Premier described it. Eight years of this government were required to achieve that feat. It is not possible for this government to describe removing asbestos in schools as a low priority without stating to the electorate that it has the wrong priorities.

With a growing population in south-east Queensland, this government has not provided the necessary infrastructure to support Queenslanders. There has been no physical start to the long-awaited duplication of the Gateway Arterial road. Local and regional communities will be waiting at least another six years for this project to start to alleviate the existing congestion. If local residents believe that congestion is intolerable now, in six years time they will be unable to move on this motorway. It is interesting to note that, when the Gateway Bridge and motorway were built, it cost $240 million. The revenue collected from this tollway has now exceeded $650 million, yet we still do not see the start of the new road or the bridge. The 30 million trips taken each year over the Gateway Bridge yield a revenue in excess of $65 million per year and the road is at capacity today.

As a civil engineer, I have a personal and keen interest in the physical development needs of Queensland. One of the great tragedies in the past eight years has been the lack of infrastructure development in Queensland. How many lineal metres of new rail track on new and emerging routes should a growing state be building per year to service our community? People might say 100 kilometres,

perhaps 200 kilometres a year. How many kilometres should this state government have built over the past eight years? The actual performance is astonishing. All Queenslanders should know that, after eight years of Labor government, zero kilometres of new rail track on new rail lines to support our residential communities has been built. With a growing population, in the past eight years there has been only 24.8 kilometres of duplicated rail track built to support Queenslanders—a total increase in the network of 0.2 per cent. I look forward to pursuing this and other pressing transport issues in the months and years ahead.

It is extremely worth while to analyse the capital expenditure as a percentage of the total state budget as a measure of this government's performance. In 1985 the state government spent 48 per cent of the budget on capital works. In 1990 that figure had dipped to 25 per cent. However, the lowest ebb in more than 20 years was in 2003 under this government: an appalling figure of only 23 per cent. In fact, to put the past 20 years into perspective, this government has delivered five of the lowest 10 capital spending budgets as a proportion of the total budget. With this record of performance, is it any wonder that the fastest growing state in the nation is suffering from congestion on its roads, hospitals in crisis and a power system that cannot provide a reliable electricity supply to the people. With rapid population growth over the past eight years, emergency services have struggled to keep up. New ambulance, police and fire stations that should have been built years ago still have not been started. It is because of eight years of neglect of our community needs that the people of Chatsworth voted against the Premier and against this government on 20 August.

On 11 August in this place the Premier tried to define, for the people of Queensland and his government, the biggest issue for the Chatsworth by-election as being the unwritten and as yet not presented federal legislation on industrial relations. On that day in parliament the Premier said—

> The people of Chatsworth and Redcliffe do not have to agree with me or the government. They can vote down my candidates, the government's candidates, the party's candidates, and we can lose ... I am making it an issue in the by-elections, with the support of my colleagues, because I think that the people should have a say. It is very simple. Is that not what democracy is all about? ... They have a chance to send a very clear message to John Howard and to the Liberal Party. Bear in mind that the candidate for Chatsworth, Michael Caltabiano, is the president of the Queensland Liberals. You could not have a better person to send a message to.

What message did the electorate send to this government with one of the largest by-election swings in Queensland's history? The defeat of the Labor Party in a seat it has held for more than 27 years is a significant message about the future. There are 35 other Labor seats across Queensland on a smaller margin than that in Chatsworth.

The Chatsworth community is concerned about its future and it has asked me to represent their concerns in this place. This is a responsibility I take seriously and a responsibility I will not shirk. It is not possible to have arrived here without the support of so many people. I formally take this opportunity to thank the people of Chatsworth for giving me their support and their trust to represent them. I commit to represent all the residents of Chatsworth to the very best of my ability and to bring their concerns to the fore for debate and resolution.

Without the support of my family I could not have been an elected representative. To my wonderful wife, Andrea, and daughters, Elysia and Rhian, thank you for your love, patience and understanding which has enabled me to follow my passion to be in this place. My parents, Brenda and Sam, have been towers of strength throughout my life and are here today to support me. Ken and Carol, Andrea's parents, have also played a significant role in supporting us.

I thank the Prime Minister for his personal involvement and support with these two by-elections. Senator Santo Santoro provided tremendous assistance that allowed me to communicate the message to the electorate, and I thank him sincerely for his untiring efforts and support of the Liberal Party in Queensland. The Liberal Party state director, Geoffrey Green, and the staff at Liberal Party House are to be congratulated for their outstanding management of the campaign.

I would like to wholeheartedly thank my dedicated, hardworking campaign team. There have been so many local members and supporters of the Liberal Party who contributed to our success on 20 August, and today I can only name a few. David and Anne Cusack, Kevin and Kay Whitmee, Richard Craig, and Betty and Laurie Robinson have all been there from the start of my elected career nine years ago, and I greatly appreciate their tireless efforts over all these years. The assistance of Andrew Hatfield, Michael Hart, Jane Hawkins, Kathi and Warwick Parer, Laurie Horton, Janet Killer, Alysa Isobel, Rus Egan, Julie MacIntosh, Steve Hill, John Connor, Coral Franklin, Carolyn Taylor, Adrian Schrinner and the Young Liberal Movement has been great. Without the dedication of volunteers, people with a passion for making a better government here in Queensland, I would not be standing in this place here today.

The constant support of my parliamentary colleagues—particularly the Leader of the Liberal Party, Bob Quinn, and the Deputy Leader of the Liberal Party, Bruce Flegg, who, together with John-Paul Langbroek, visited the electorate during the campaign—was very much appreciated.

I stand by the values of the Liberal Party and will use them to guide my decision making in this place. Respect and support for families are principles that are important to me. Families are the core of

our society and one of our key roles is to ensure that everything we do in this place reinforces the strength and security of Queensland families. Freedom of association, freedom for individuals to work and a freedom to create wealth and opportunity should be part of a future Queensland that I want to be part of. I was born in Townsville and raised in Cairns and Mackay. I am a product of the state school system and I was fortunate to have a loving family to provide me with the opportunities to pursue my sporting and academic interests. This was achieved through sacrifice and hard work on my parents' behalf. These lessons of hard work were passed down from my grandparents—one a cane farmer who carved out a future for his children and instilled a passion for hard work; the other a wharfie, living a physical demanding job to allow his children to have the opportunities of a full secondary and tertiary education. The work ethic I have carried through my life is a direct result of my home environment. My parents allowed me to make decisions and to pursue interests and passions with a clear guiding hand to avoid wherever possible the potholes in the road of life.

Nurturing ambition is necessary, for without it mediocrity would rule and our state would stagnate. Without the individuals who strive to succeed with the ambition and drive to do better for themselves, their families, their companies and the work force—indeed, our society—would not be as well off as we are today. Encouraging people to excel and providing the environment for this to occur should be one of the roles of any state government. The lessons we learn in life do have a big impact on our success or otherwise in life's pursuits. Our ultimate success in life, though, is in our own hands. A strong sense of personal responsibility for the decisions we take and the consequence of our actions cannot be shirked. We are all individually responsible for the choices that we make in life.

In my working life I have enjoyed, as a professional engineer, designing and building roads in the state sector and the private sector, undertaking tertiary studies overseas and working across Australia and internationally before taking on the role of an elected representative in the City of Brisbane in 1996. During the early part of my career as a professional engineer I thoroughly enjoyed the sense of achievement in completing a new road project, building a team of people to work together to deliver a piece of new public infrastructure. I am truly grateful to my mentors in the workplace who took the time and showed the interest in developing my skills, skills applied in all facets of my life.

As a councillor in Brisbane, creating new opportunities for local residents to have a say about the development of their local community was an essential component of my everyday life. I enjoyed the opportunity to work for the local community and deliver those improvements for local families. I will maintain an active interest in the delivery of better local facilities for families.

It is the desire to work with the local community and provide a lightning rod for their concerns that drives me every day to work harder and do better. The people of Chatsworth have in their state member someone who will strive every day to deliver improvements for our area. The challenges we face as a city and a state are enormous if we are to maintain the quality of life our parents enjoyed and are able to pass on those benefits of our toil to our children. These challenges are the same for the residents in the electorate of Chatsworth as they are for all other residents, particularly of the south-east Queensland corner. Everyone strives to succeed so their children might enjoy a better life.

Before we can look into the future we have some enormous problems that must be addressed now. Removing asbestos out of our local schools to keep our children and teachers safe is a project that I am personally committed to pursuing. It is unacceptable to have roofs in primary schools in the Chatsworth electorate that are in a fair condition, have not been inspected for more than three years and are desperately in need of replacing. Every day is a day too long for local families to have their children exposed to this health menace.

The development of emergency service facilities for our growing communities has simply been non-existent in the south-eastern suburbs of Brisbane. Putting families' lives at risk must come to an end. As new communities are established, the provision of state services must keep up. It is surely one of the primary responsibilities of a state government to ensure a local community's safety. As a resident of one of those developing communities, I am acutely aware of the deep concerns of local residents in the Chatsworth electorate.

Building the basic infrastructure that services the daily needs of a growing community is essential. Things such as our arterial road networks, train services, the provision of power and water, and the capacity to keep our communities safe from crime are the highest priorities for any good government. These areas are all major failings of the current government over the past eight years. It is not only time for some catchup but also time for a change of government.

There are many aspects to the development of a better future that we must start discussing now and engage the community in debate. The Queensland community has not been engaged in determining how together we might be able to meet and conquer the challenges for the future. The population increase projected for Queensland over the next 30 years will see our state grow to the second largest in the Commonwealth. The infrastructure that needed to be put in place over the past eight years would have provided the backbone for the management of this future growth. It is very sad to reflect on the missed opportunities over the past few years, including chronic underspending on the infrastructure to support a growing state like Queensland.

The old adage of build it and they will come does not apply in this state anymore. They are coming anyway, so not building the infrastructure only serves to reduce the quality of life for all current and future residents. The challenge of the late nineties and early 2000 years was to do the planning and commence the construction of state infrastructure to support our growing community. The lost opportunity of the past eight years is lamentable. So inwardly focused on saying, 'I'm sorry. I promise I'll fix it,' has robbed all Queenslanders of a better today and a brighter tomorrow.

It is truly time for some clear, articulate vision for our state. I will play my part in the development and delivery of that new vision for Queensland. We must have a state where people can get around their suburbs, across their cities and around the state on a road and rail system that is modern, safe and reliable; a state where our children have facilities in their schools that positively contribute to a learning environment, taught by qualified teachers using a curriculum that reflects the essential components of today's society, allowing them to compete with the best not only in Australia but also in the world; a state where the essential services required to sustain a community are in place and guaranteed into the future.

Water storage facilities, energy generation and distribution and a capacity to protect our community from threat must be the envy of the rest of Australia. When members of our community need care there will be first-class hospitals, emergency clinics and 24-hour day surgeries in the suburbs—all staffed by qualified professionals delivering first-rate care to our fellow Queenslanders. Providing a hand up to those less fortunate than us to encourage and nurture them rather than a hand out enshrining disadvantage will be part of the Queensland of tomorrow.

I come to parliament with a burning desire to improve the quality of life for the people of Chatsworth. I want to have a go. I want to use the God-given talents that I have and bring the skills that I have developed through life and use my best abilities to work on behalf of the people of Chatsworth and Queensland. I commit myself to doing the hard work around the House. I commit myself to the right priorities for Chatsworth and Queensland.

Mr SPEAKER: I welcome to the public gallery and to the parliament the students and teachers of the Haden State School in the electorate of Darling Downs.

Before calling the honourable member for Redcliffe, I once again remind honourable members that this is the member's first speech and should be listened to with the courtesies normally reserved for such occasions. Again, for the purpose of the honourable member making his first speech, standing order 236 regarding relevance will be relaxed by the chair. I call the honourable member for Redcliffe.

Mr ROGERS (Redcliffe—Lib) (2.51 pm): I am honoured to stand before you today as the Liberal member for Redcliffe. I thank the people of Redcliffe for placing their faith and trust in me and pledge my loyalty to them, the people of Queensland and to this parliament. My special and sincere thanks go to my dear wife, Gina; my daughters, Melanie and Eleisha; my parents, Marie and Buck Rogers; all my family; supporters; friends; campaign workers and Liberal Party colleagues. These people worked tirelessly with me, believed in me and in the importance of addressing the compounding issues before us in Queensland. I will be their voice in parliament to reinstate the long-neglected representation Redcliffe has needed in the Queensland government arena.

There are many and varied factors which have brought me to parliament. First, I should offer my congratulations to you, Mr Speaker, on your recent appointment. The real catalyst which brought me to represent the people of Redcliffe was reading the headline in our local newspaper, the *Redcliffe and Bayside Herald*, on 16 July 2003 which said 'No Rail, No Bridge'. This galvanised my attention to the ongoing neglect of Redcliffe over several years and I realised that these and other significant issues affecting Redcliffe would never change under this government. The people in the community were shattered by the flippant government brush-off, as these issues, along with health, were and remain major issues of immediate concern for remedy in Redcliffe.

Redcliffe is the site of the first settlement in Queensland. It is a peninsula and its shores join Moreton Bay. Across the bay is our glorious Moreton Island. Redcliffe has been my home all my life. I have lived there since the streets were dirt and watched as the city grew and prospered—then stagnated after 16 years of Labor neglect. My school years were spent at Clontarf Beach state primary and high schools. My parents went to Humpybong State School at Margate during the Second World War. My family and I live in the family farmhouse which was built at the end of the war by my grandfather. My Redcliffe roots are strong and deep.

As a young boy, issues confronting Redcliffe were rail for Redcliffe, duplication of the bridge, satisfactory schools, and health services in the form of a hospital. Well, here we are some 45 years later and it seems very little has changed. Let us talk about the schools of Redcliffe. It is of note that I am the first state representative for the seat of Redcliffe to have attended school in Redcliffe. Those were the years of significant development and growth in Redcliffe. I remember with great excitement when as young schoolchildren we watched the new wings of classrooms being built. As was the trends of the fifties, sixties and early seventies, these school wings were built with asbestos products. Whilst this was the norm for the time—a period when people were ignorant of the dangers of the product—we are now better informed and aware of the risks associated with this. There is not a state school in Redcliffe that

does not have an asbestos roof on it. It is time for the government of the day to address this problem, to be open about the situation, to immediately address the risks and concerns related to asbestos in schools and to give the people of Redcliffe and Queensland the assurance that this will be fixed as a matter of priority.

Moreton Bay has a huge impact on the overall community. The issues that are relevant require a delicate balance and management of the environment to be able to meet the expectations and requirements of the local fishermen, small trawler operators, wholesalers, exporters, restaurants and consumers. The bay's excellent waters attract tourism to the area. It is a recreational mecca. This bay must be monitored and preserved to ensure that it does not become destroyed through mismanagement, misunderstanding and neglect. I therefore see it as my duty to ensure that the natural beauty of Moreton Island and its surrounding waters are maintained for generations to enjoy in safety and that the industries of Moreton Bay harmoniously mesh with the needs and expectations of its recreational users.

Fishing is undertaken as a recreational activity by local people from the foreshores of Redcliffe and Moreton Island and significantly from the existing Hornibrook Bridge. On any day hundreds of people use this historically listed bridge for recreational activities. When constructed, this bridge was the longest viaduct in the Southern Hemisphere. It is recognised and has been documented as such and is therefore a significant icon. The bridge forms an important pedestrian linkage between Redcliffe and Brisbane for people on both sides of the water.

Further to this, this government is guilty of iconic vandalism in its plan to demolish the old Hornibrook Highway. This bridge is heritage listed and, as we speak, is being load tested to see if it is still safe. It should never have come to this. The bridge should have been maintained over the years but, due to neglect, is now facing demolition. Rather than constructing a new bridge and putting a walkway down the side, the Hornibrook Highway should be restored to its full width and length. The bridge is not about getting from one side of Hayes Inlet to the other; it is about recreation and exercise. It is about cycling, walking, running, fishing, families with prams and people with disabilities. Put quite simply, the bridge is about Redcliffe lifestyle and a strip along the edge of a minimum two-lane bridge is not practicable. You do not see people exercising down the side of the M1.

As we know, this bridge has been neglected and left to deteriorate, but defiant of the years of neglect the bridge still has structural integrity and the ability to be upgraded to continue to be safely used by the people of Redcliffe and Brisbane for recreation purposes. This is not an unreasonable requirement, as this government talks about providing pedestrian bridges over the Brisbane River for the exact same reasons. The Goodwill Bridge, just outside Parliament House, was recently constructed purely as a pedestrian link to South Bank, and there is another similar pedestrian bridge proposed to connect St Lucia to the eastern suburbs.

At some stage it was suggested 'when' a new bridge is constructed duplicating the existing Houghton Highway between Redcliffe and Brisbane that a pedestrian lane be included. We all know for a fact that this will not work. When the Houghton Highway was built, a pedestrian lane was included. Not only did it prove to be unsafe for pedestrians and certainly unsatisfactory to the fishermen; it was almost immediately removed to provide the essential additional traffic flow.

Redcliffe is plagued by transport issues and urgently requires the duplication of the existing Houghton Highway. The current Houghton Highway is three lanes wide, having removed the pedestrian walkway, and works on a 'tidal flow' system of traffic management. Over the years this system has been the cause of many major traffic accidents, deaths and delays. With the increased amount of traffic streaming in and out of Brisbane from and through Redcliffe on a daily basis, the Houghton Highway is barely coping. This is a matter which I campaigned strongly for in 2004. The need has not changed. In fact, it has grown more urgent. I have unfortunately been a victim of the present tidal flow system after being involved in a collision when someone travelling to Brisbane decided to make the bridge four lanes. A tidal flow system is dangerous. I am pleased to say that duplication is back on the agenda and I commend this government for that. Still, the bridge is needed now, not by Christmas 2009. As can be seen, there is a continued and urgent need for a new minimum three-lane bridge to be constructed adjacent to the existing Houghton Highway, and the existing Hornibrook Bridge should be maintained and restored to cope with the vehicular and pedestrian usage between our cities.

The Beattie government recently released its South East Queensland Infrastructure Plan for development up to 2026. Again the government appears to have ignored the fact that Redcliffe exists. However, the impact on Redcliffe, as the surrounding districts are rapidly developed into residential areas, is significant.

At this point I want to mention the rail line to Redcliffe. It is a matter of history that in 1884 the people of Redcliffe first had discussions with the government. In 1960 the first member for Redcliffe, James Houghton, asked for a rail service to Redcliffe. Terry White made his first speech in 1979. He was able to say that the government had made a commitment to provide a rail service to Redcliffe. We then move on to Ray Hollis. In his first speech he said that it was a commitment of his government to provide that rail line to Redcliffe. What has happened? The land for this rail line has been set aside for a

considerable number of years, but this government has said that there will be no railway to Redcliffe. Now is the time to construct the rail line.

I am pleased to say that the Liberal Party supports a rail link to Redcliffe. The Beattie government's own study says that the link is financially viable and needs to be built now. In fact, it says it should be operational now. The demand for a rail link to Redcliffe is becoming ever more critical. On the one hand, we have the substantial growth of residential areas in south-east Queensland, in particular the northern corridor, as confirmed by the government's own study and plan. We have the failure of the existing road systems throughout Brisbane to cope with traffic issues, and we have had monumental rises in fuel prices over the past 12 months due to global issues.

It would be foolish of me to say, 'I will get a rail link built,' but I assure members that the people of Redcliffe, the people of Murrumba and the people of Kallangur want a link to be built now. I will be their voice on this issue, and I will fight on their behalf. We do not want a busway with an interchange; we need the rail link that was promised by Wayne Goss and Labor. The land is there. Build the rail link and let the district prosper.

This and other public transport within south-east Queensland must begin to operate regularly throughout the night as well as during the day and over weekends. South-east Queensland no longer shuts down early at night or on weekends. There must be safe public transport for workers, tourists and general commuters. There must be a broader understanding and acceptance of the general public's needs and demands for a safe, efficient public transport system.

Another area of great concern to me and the residents of Redcliffe is our hospital. The hospital turned 40 this year. Its establishment can be traced back to lobbying of our first member for Redcliffe and then mayor, James Houghton. The hospital is one of Redcliffe's largest employers, but it is at constant risk of being downgraded. It is almost two years since this government promised a much overdue upgrading of the emergency ward. It has been rolled out in two successive elections, but what have we really seen of it? We have seen nothing more than promises.

The bleeding and demise of the local health and hospital system over the past 15 years in Redcliffe and Queensland has been appalling. Within the Redcliffe Hospital, wards have been closed, trained staff numbers have been cut to the bone and pensioners have been forced to wait several hours in the emergency department just to be seen by a doctor. It appears that the approach taken to hospital services is similar to the approach taken to the Hornibrook Bridge: if it is allowed to run down enough, then it will become derelict and eventually it will require closing.

Redcliffe fought hard for a hospital during the last century. It is an essential service to meet the needs of the 50,000-plus people in Redcliffe and the surrounding residential areas. The standard of the hospital requires upgrading and the staffing levels need to be reinstated to meet these demands. Trained medical staff work extremely long and irregular hours for the people of this community, and the number of these trained staff is at an all-time low. There is an irony to this: this government has been employing unqualified overseas doctors to patch up the vacancies over the past few years. Why?

Only last week the Premier was overseas actively trying to recruit doctors to Australia. I ask why, when some of our finest young men and women with OP1s cannot become trained as doctors within our own universities. These brilliant young men and women, who passionately want to be doctors, often leave Queensland to study in Melbourne or Sydney to become doctors because they are recognised as having the potential. Will these people return to practise in Queensland? Sadly, they probably will not. To a large degree this problem stems from the fact that for too long medical professionals have not been supported by the government. We must train our own young people to be doctors and nurses in the medical professions. Therefore, I say: look at our own brilliant youth and their potential and start training them to the highest standard instead of bandaiding the problem with incentive packages for overseas medical replacements.

I am pleased to say that my daughters, Melanie and Eleisha, were both born in the Redcliffe Hospital. Recently there was a real risk of having no more babies born in Redcliffe as there were plans to close down the maternity section of the hospital. Were it not for the protests of my colleague the member for Moggill, the shadow minister for health, Dr Bruce Flegg, this would probably now be the case.

Redcliffe has an ageing population and has many carers. I am aware that we have a lot of work to do in the matter of respite care. I encourage this government to review the health system and to look into this matter and not buck-pass responsibility to the federal government.

I am pleased to advise that we now have the Redcliffe Hospital Foundation led by the Foundation Chairperson, Dr Boris Chern, district director of medical oncology and palliative care. I commend this fine foundation to the people of Redcliffe and Queensland and thank them for their support. I call upon this government and the Premier, Mr Beattie, to honour and keep the funding promises made to Redcliffe during the recent by-election campaign.

Finally, I am proud to be a true local of Redcliffe with a passion for all things Redcliffe and, for that matter, for all things Queensland and Australian. I will use my time in this chamber productively to get the priorities right for Redcliffe and Queensland.

Mr SHINE (Toowoomba North—ALP) (3.07 pm): The Civil Liability (Dust Diseases) and Other Legislation Amendment Bill relates primarily to the subject of asbestos. Asbestos is a substance that has been popular over the centuries; it is not just a recent phenomenon. It goes as far back in history as the Egyptians. There is evidence that asbestos was used in Egyptian burial cloth, and in the Middle Ages Charlemagne's tablecloth was reputedly made of asbestos.

We ask the question: why, despite the dangers of the substance, has it been so popular over the years? Asbestos is the name for a group of fibrous materials that are mined and mixed into building materials. It is popular because it is extremely resistant to heat and to other chemicals, and it has wide use in manufactured goods. Some of the examples where it is used are in floor and ceiling tiles, coatings, texturing materials, thermal insulation and so on. It is important to realise that by itself asbestos is not a health risk when bound together with a substance that prevents the fibres from entering the environment.

However, where disturbance occurs when damaged this leads to the fibres separating and thus becoming airborne. It is the airborne fibres that are a hazard to one's health. It is a hazard to one's health in the sense that humans can be exposed by breathing it and by ingesting it. The possible health risks that are associated with asbestos are that the body cannot break down or eliminate inhaled fibres. A slow building up of scar-like tissues in the lungs can occur. This is called asbestosis. Asbestos is known to cause cancer and there are no symptoms of exposure when one is contracting it such as coughing, sneezing or itching. Therefore, a person cannot tell if asbestos is in the air or if, in fact, it has been inhaled. Therefore, notwithstanding its usefulness, especially in the building industry, it is a highly dangerous substance because one cannot tell whether one has inhaled it or ingested it.

There are three types of cancer that can be contracted from asbestos: lung cancer, which is well known; mesothelioma, which is a cancer of the lining of the chest and the abdomen; and cancer of the gastrointestinal tract.

The types of asbestos that exist in the world are, to use their common names, white asbestos, principally found in Canada; brown asbestos, principally found in Africa; and crocidolite, or blue asbestos, which is found in Africa and Australia. I am advised that blue asbestos is, in fact, the most dangerous type of asbestos that can be found.

The fact is that the dangers associated with asbestos have been known for well over 100 years. In 1898 the chief inspector of factories in the United Kingdom reported to the parliament in his annual report about the evil effects of asbestos dust. The awareness of the problem, officially at least, goes back to the 1890s in England. Again in 1906 a British parliamentary commission confirmed the first cases of asbestos deaths in factories in Britain and recommended better ventilation and other safety measures. Then in 1918 an American insurance company produced a study showing premature deaths in the asbestos industry in the United States. In 1926 the Massachusetts Industrial Accidents Board processed the first successful compensation claim by a sick asbestos worker. These claims, in fact, internationally at least, go back to the 1920s.

As to the extent of deaths, in the United States alone it is estimated that 10,000 people—principally workers—die each year of asbestos related diseases such as mesothelioma, asbestosis, lung cancer and gastrointestinal cancer. Also, of course, asbestos has a synergistic effect with tobacco smoking in the causation of lung cancer. Bearing those facts in mind, it is indeed timely that any legislation touching on the effects of asbestos be dealt with by this parliament.

Why is this legislation important? This legislation is primarily important because the nature of this dust disease is that one does not know whether one has contracted it for many, many years afterwards. As members would know, there are strict time limits in relation to personal injuries actions in Queensland, other states of Australia and, indeed, the Western world. In Queensland, for adults the time limit is three years from the date of the commission of the tort or the material fact that caused the injury. So if it was shown that asbestos was contracted beyond that three-year period, in the normal case one would be prevented from claiming. Of course, there are exceptions under our limitation act in relation to extending that time limit where material facts have recently come to light, but generally speaking those time limits are strict. Why, therefore, is there a need for this legislation? There is a need because those latency periods with respect to asbestos are remarkably longer than for other diseases contracted, particularly in the working environment.

According to research in an article by Maurice Joseph entitled 'Asbestos related diseases' in the *Australian Journal of Forensic Sciences*, an analysis of 344 patients with asbestos related conditions seen between June 1988 and December 1993 found that the latent period from first exposure to development of mesothelioma varied from 20 to 55 years with an average of 37 years. The latent period for asbestosis varied from five to 48 years with an average of 30 years. So in relation to asbestosis it is an average of 30 years; in relation to mesothelioma it is an average of 37 years—well over that three-year period that I mentioned earlier.

Further, a report on chrysotile published by the National Industrial Chemicals Notification and Assessment Scheme in February 1999 stated that asbestosis can appear and progress many years after termination of exposure to asbestos, that the average latency period of lung cancer from the first exposure to asbestos ranges from 20 to 30 years and that the latency period for mesothelioma is generally between 35 and 40 years. So, we see some minor divergence in terms of those estimates. Those estimates, by necessity—bearing in mind the subject matter, the years that ensue and the number of people involved—of course will vary somewhat, but generally speaking that 30- or 40-year period seems to be the norm. In terms of the need for legislation that is currently before the House, I believe that to be somewhat obvious. I will come back to that later if I have time.

I want to touch on the subject matter of asbestos in schools that has been raised by the Liberal Party, in particular leading up to the recent by-elections that we heard so much about earlier this afternoon. It was a major plank in the Liberal Party's case that the government had been negligent, really, in its duty to Queensland schoolchildren and teachers in not removing asbestos from state schools. I refer, however, to a press release by the then Liberal Party minister for education, Mr Quinn, who is now the Leader of the Liberal Party, issued on 26 January—Australia Day—1997, criticising Labor Party politicians for criticising the then education minister with respect to his own asbestos record in state schools.

Mr Wilson: Who was the education minister?

Mr SHINE: I take the thoughtful interjection from the member for Ferny Grove. The minister, of course, was Mr Quinn, who is now the current Leader of the Liberal Party. Concerning the criticism by the Labor Party of him as minister, he said that it was 'irresponsible and misleading public comments by Labor politicians suggesting staff and children were at significant risk from asbestos in schools'. He said it was 'the pinnacle of hypocrisy and a total affront to the truth'. He said—

My department has advised it is unaware of even one case in Queensland where a student or teacher has contracted an asbestos-related condition of any kind at school—not one student, not one teacher, ever!

An honourable member: What date was that?

Mr SHINE: It was 26 January 1997, Australia Day. He went on—

In fact, on the information available to me now, I would have to conclude that they're at infinitely greater risk of being struck by lightning—

So said Mr Quinn. He even went on to say, according to his press release—

The more hazardous material was removed from state schools many years ago and what remained was safely contained and very stable.

…

And what everyone seems to forget—

An opposition member interjected.

Mr SHINE: I am reading a press release from Mr Quinn, your leader. So the honourable member should be attentive. I am sure Mr Quinn would want him to be. I will start again before I am interrupted. He said—

And what everyone seems to forget is that there are many thousands of houses, units, supermarkets, office blocks, cinemas, restaurants and other post-war buildings right around Australia which also contain asbestos products such as Super 6 roofing.

Mr DEPUTY SPEAKER (Mr English): Order! I have given you some leniency because asbestos is relevant to the bill, but the general comments about asbestos are not relevant to the bill. Could you come back to discussing the issue of litigation.

Mr SHINE: Mr Deputy Speaker, I certainly take on board your ruling that asbestos in schools is not relevant to this bill. With respect, this bill is about dust diseases including asbestos, and I am pointing out that the Liberal Party has claimed it is contractible by students and teachers of state schools.

Mr DEPUTY SPEAKER: I acknowledge it could be relevant. I am just encouraging you to show me how it is relevant very quickly.

Mr SHINE: I was nearly at the end of my tether, to quote the Leader of the Liberal Party. There is only so far one can go in quoting the Liberal Party leader, Mr Quinn.

I conclude by referring to a recent article in the *Australian* on 5 February 2005. The article shows a photograph, which I will table, of workers competing in a competition to shovel asbestos into drums at Wittenoom in Western Australia in 1962. There is a caption pointing to each one of the competitors in this competition. The caption reads, 'Tony Uchanski, former mine truck driver, is still alive but has been diagnosed with asbestosis'; 'Peter Pas, locomotive driver, died from asbestosis aged 40, five years after the picture was taken'; 'Joe Piwowarcyk, died in 2003 from mesothelioma. His sons Joseph and Edward, who both died before him, had mesothelioma'; 'Stan Kruchowski is still alive but suffering from asbestosis. His wife, Irene, was diagnosed with asbestosis-linked lung cancer'; 'Gienek Jaworski, died from mesothelioma'; 'Brian Bolitho, mechanical fitter, died from mesothelioma in 1978. His father and

brother Robert also died of the disease'; 'Arthur Della Maddalena, mill worker, is still alive but suffers psychiatric trauma after his brother Walter died from mesothelioma'; and the last one states, 'Unknown, but probably Italian mine workers.' We do not know what happened to them. That is an extraordinary photograph and an extraordinary result. It is proof of what can and did happen more often than not with respect to people who worked with asbestos.

This bill, as I understand it, which will enable time limits to be more easily met and which will enable damages to be inherited, in a sense, by estates rather than dying with the deceased at the time of death, will create a greater degree of justice for these litigants. I can only hope that this groundbreaking reform may be the start of widening that provision so far as it relates to other personal injuries claims in the future. I very much commend this legislation. I commend the Attorney-General for bringing this legislation to the House at this time.

Ms STRUTHERS (Algester—ALP) (3.24 pm): Whenever anyone has any doubt about the differences between a Labor and a conservative government, they need to look at Labor's record on legislation such as this. It is Labor governments in Australia and the broader labour movement that have stuck up for people who have suffered as a result of the neglect of some of the corporations that have put greed before people. It is Labor governments and the broader labour movement—the trade unions and councils of unions—that have gone in to bat all around Australia for disaffected workers against companies like James Hardie. This company has a shameful past, a past that saw it duck and weave and hide the truth about the fatal effects of some of its old building products.

In the case of this bill, the Beattie Labor government is determined to bring justice for people suffering from asbestos related diseases. Many of these people are those who have suffered because companies like James Hardie not only went to great lengths to hide the truth about asbestos related diseases linked to its product but then tried to shed responsibility for liability and compensation to victims of asbestosis. For instance, in the case of James Hardie it is alleged the move offshore to the Netherlands was one of these slippery moves. It is claimed, for instance, that between 1995 and 2000 James Hardie Industries Ltd sought to separate the Hardie group's operating assets from its asbestos liabilities. Its asbestos producing subsidiaries were stripped of assets but left with the bulk of Hardie's asbestos liabilities.

In October 2001 James Hardie gained New South Wales Supreme Court approval for a scheme of arrangement which established a new Netherlands based parent company, James Hardie Industries. $1.9 billion was transferred out of Australian based James Hardie companies into this new entity. James Hardie solicitors assured the Supreme Court of Australia that asbestos victims would suffer no prejudice as a result of these moves but what we have seen is very much to the contrary. The Netherlands is a country with whom Australia at that time—and I think it still remains the case—does not have agreements in respect of the enforcement of a civil judgment obtained in Australia.

In March 2003 the lifeline for asbestos victims was cut when the Netherlands based James Hardie Industries unilaterally cancelled partly paid shares worth $1.9 billion. The Australian based James Hardie entities with liability for asbestos claims also indemnified the Netherlands parent, James Hardie Industries, against any claims arising from and connected with past asbestos liabilities. So the ducking and weaving was continuing all through this period.

Despite the assurances given to the New South Wales Supreme Court, James Hardie did not alert the court, the New South Wales government or the Australian Stock Exchange that Australian James Hardie entities would no longer be able to call on the $1.9 billion from James Hardie Industries to settle asbestos claims. As a result, victims have had a lot of uncertainty over the past few years. It is very important that the Beattie government has taken this action. I, along with other members of this government, praise the former Attorney and our current Attorney, the first woman who has held that high position in Queensland and who is doing such a great job. I say: well done. This is very important legislation. I am very happy to support it.

A year ago workers in Brisbane, Melbourne, Adelaide, Hobart and Sydney rallied. They downed tools on hundreds of construction sites to rally against the embattled Hardie company. They called for Hardies to fully fund all future compensation claims. It has been quite a fight to get recognition, support and due compensation out of a company like this.

In Brisbane a gutsy and very courageous mesothelioma sufferer, Bill Read, also called on the company to pay for research into the treatment of asbestosis related diseases on top of the proper compensation for victims. He has been a great advocate for many other people who have suffered as well.

In this bill the Beattie government is increasing access to damages claims where the sufferer passes away. The bill also clarifies how the limitation period for commencing a claim can be extended. These are very important provisions.

The many courageous sufferers of dust related conditions will no longer wear the added worry that their damages will be reduced if they pass away before their trial is settled. There are many great companies and small businesses in Queensland that have driven economic growth and jobs. They have

operated ethically and treated workers in a fair manner. Our government backs them wholeheartedly. But there is no place in Queensland for companies that want to treat workers with contempt. I say to these companies: beware—the Beattie government takes our responsibility to build safe workplaces very seriously.

We have a very effective and far-reaching workplace health and safety division within the Department of Industrial Relations and that is backed by a strong regulatory framework that we have worked hard with the union movement over many years to develop. It is encouraging to see that there is bipartisan support in the House today for this important legislation—legislation initiated by the Beattie Labor government—but it is very pleasing to see that others are seeing the sense in this. May it offer some comfort to the many individuals and families throughout Queensland whose loss and suffering we cannot take away but hopefully whose pain we can ease.

Mr COPELAND (Cunningham—NPA) (3.30 pm): I rise to make a contribution to the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005. The bill provides a mechanism to alter the way an extension of the limitation period for a dust diseases claim is considered. The bill also allows for awards for general damages to be made when the plaintiff dies prior to final determination of the claim. I think they are very worthy aims for this bill to provide and things, as the shadow minister has said, that we will be supporting. I think that is a good thing. Unfortunately, I know that this terrible thing has touched a lot of families. A friend of my parents died very recently from an asbestos related disease contracted when he was doing some work before we knew the dangers of asbestos. He was doing renovations on homes at the Gold Coast without knowing of the dangers. In only the past few months he passed away, which was very, very sad for his family and, of course, for all of his friends.

We have to ask: has state government negligence now produced the claimants of the future? We have seen the very real problem of asbestos in our schools come to light and just how much that has put people at risk. Whether it be teachers or students—regardless of who it has been—there have been risks and there has been exposure.

I take some issue with the contribution made by the member for Toowoomba North and his criticism of former education minister and Leader of the Liberal Party, Bob Quinn. He quoted extensively from a press release—and remember, this is a decade ago—to the effect that the department had no knowledge of anyone who had had problems with an asbestos related disease. A decade on—10 years on from when that press release was issued—the department clearly knows that teachers have died from asbestos related diseases. That is the very big difference and a fact that this government now cannot escape. It has a very clear duty to act to clean up those risk elements in our schools.

There have been three claims for asbestos related disease by Education Queensland that have been accepted by WorkCover since 1995. Two teachers have died of asbestos related diseases for which Education Queensland has provided compensation. This morning when I asked a question about another teacher who has been diagnosed with an asbestos related disease the Minister for Education did not confirm or deny that, but it is my understanding that that fellow has been exposed from removing tiles that contained asbestos material in a school. That goes to show that there are problems out there and it is no good the government trying to cover it up any further.

Mr DEPUTY SPEAKER (Mr English): Order! I have previously made a ruling in relation to relevance, with the member for Toowoomba North. This is not a debate about the general issue of asbestos. This is about access to compensation.

Mr COPELAND: That is correct.

Mr DEPUTY SPEAKER: Then please come back, relevant to the bill.

Mr COPELAND: That is very correct, and these are people who will be accessing compensation in the future because of the exposure they have had. That has already happened with Education Queensland providing compensation, so it is very relevant to the bill at hand and the potential exposure of the government to compensation claims in the future.

There have been countless examples of potential exposure to asbestos. I limit my comments to asbestos in our schools. Of the 1,171 schools on the state government asbestos register, only 86 were tested between March and August this year. Of those, 45 schools tested positive for the presence of potentially deadly asbestos dust. Last year it was revealed that more than 30 students and staff at Macgregor State High School were involved in the renovation of a manual arts classroom which contained asbestos materials. In October last year a student was paid by a state government contractor to remove asbestos tiles from Monto State High School. At Wynnum North State School asbestos dust fibres were detected in six classrooms, and it is most concerning that children were present during drilling of the asbestos material and even took part in a sleep-over in the classroom the very next day. And, despite assurances by Education Queensland that the Moggill State School was safe, the president of the Asbestos Diseases Advisory Services of Australia stated that parents should put up barricades and not allow their kids to go to such a school.

Mr DEPUTY SPEAKER: Order! The bill is specifically about accessing the court system. It is not about the circumstances surrounding the exposure. I ask the member to come back to the bill or I will sit him down.

Mr COPELAND: Thank you. The final point I would like to make relates to compensation given to a former nurse, Vicky Benson, who was awarded $370,000 in compensation following the fact that asbestos at the hospital where she worked caused fatal mesothelioma. Only time will reveal the full impact and the number of asbestos related disease claimants that the state government action has created. Governments of all persuasions have been in power when buildings containing asbestos were constructed, unaware of the deadly composition of that product, but it is this government that has watched as those asbestos materials deteriorated over the last seven years and has sought to cover up and conceal any evidence of the impacts on children, parents, teachers, nurses, public servants and the general public. For that, the government really should stand condemned.

Mr WILSON (Ferny Grove—ALP) (3.36 pm): It is my pleasure to stand in support of the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill 2005. Whilst the bill deals with dust diseases generally, I particularly want to focus on the issue of asbestos. It should not go without observing that, as I understand it, in the debate so far the level of interest shown by the National Party has been reflected by there being one speaker only from the National Party. Yet this important issue affects every worker in many, many industries throughout Queensland. I want to address three areas: the background to asbestos in the workplace; two of the key amendments; and the role of the asbestos and related diseases association in lobbying and arguing, strenuously and with great merit, the case for this legislation.

I acknowledge the role of the Construction, Forestry, Mining and Energy Union, which covers many workers in a range of industries that have been affected by asbestos exposure over the years, particularly the construction industry, the power industry and also general industry, with boiler attendants working in the boiler houses of APM Petrie, the Fourex brewery here in Brisbane and places like that. Today I draw the attention of the House to Shirley White and her colleagues who are in the gallery. Shirley is the mainstay and the originator, with her husband, of the Queensland Asbestos Related Disease Support Society. All Queensland workers owe Shirley and her colleagues a great deal of indebtedness for the work that she has done. They also owe a debt to the many other sufferers of asbestos diseases in Queensland who, along with Shirley, have given up their time and their experience to make Queenslanders far more aware of the terrible impact of this product in the workplace.

Asbestos has been in commercial use since the early 20th century. Some of the thousands of documented uses of asbestos include pipe, boiler, furnace and kiln lagging; fire doors; train carriages; plastics; paint; paper; fibro walls, eaves, roofs, guttering and downpipes; brake and clutch alignings; ceiling sprays; airconditioning; gloves; clothing; gaskets; theatre curtains; and filter media in laboratories and the pharmaceutical, food and beverage industries. That tells us how wide is the exposure that some workers have faced throughout the years from this product. The range of health effects reported following asbestos exposure depend upon the type of asbestos and the type, duration and intensity of exposure.

The health effects of asbestos are related to the ability of asbestos fibre bundles to split into finer and finer particles. Those fibres or particles can reach the lower regions of the lung which are beyond the reach of the normal bodily system that protects the lungs. There is no doubt that workers who mine, manufacture and process materials containing asbestos are at the highest risk of contracting asbestos related diseases if effective control measures are not taken. However, in general, the presence of asbestos in a building will not present a risk to the usual occupants of the workplace as long as the asbestos remains bonded to its substrate and access to asbestos-containing surfaces is restricted. Those who are at risk in this situation include maintenance workers and construction workers during renovations and demolition work, as I indicated earlier; hence the interest of my union and associated unions such as the ETU in Queensland in this matter.

The two key areas of amendments that I want to address briefly relate to the Succession Act 1981. The amendment provides for increased access to damages in dust disease claims where the person passes away. Currently, if a person dies before their personal injuries claim is finally determined, their estate will not be entitled to claim damages. In terms of dust diseases, death can often occur within a very short time of diagnosis and the ordinary court processes are not able to be completed. The amendments will ensure that the claim for general damages for a dust disease sufferer will survive the death of the sufferer caused by the disease. That will benefit the estate of the deceased, ultimately providing assistance to family members.

The second area of amendment in this bill relates to the Limitation of Actions Act 1974. This amendment clarifies how the limitation period for commencing a dust disease claim can be extended. Dust diseases can remain undetected for decades. Therefore, in order to seek compensation most dust disease sufferers have to seek from the court an extension of the limitation period. The medical progression of dust diseases from low-level health implications, such as pleural plaques to more serious conditions such as asbestosis, is not predictable, creating unique legal problems in

seeking an extension of time. The amendment will clarify that the relevant time to seek an extension of the limitation period is when the person knows that their condition is or will be a contributing factor to significant loss of amenity or expectation of life. The amendment will reduce the legal costs for all parties and protect the claims for compensation for dust disease sufferers.

The third area that I wish to address in this important legislation is the acknowledgement of the role of the Queensland Asbestos Related Disease Support Society in raising the awareness in Queensland of the terrible impact of asbestos. Earlier I referred to Shirley White, Nick Bos and others in this society. On 8 July it was my great pleasure to join Shirley, Nick and many others at the official opening of the Asbestos Disease Information and Support Service at the Brisbane Private Hospital. By way of background, the society has been in operation for 13 years. It held its first meeting on 17 November 1992. As I said, it was established by Shirley White and her husband, Reg, but also Ros Bailey, Matthew Craswell and Janine Bailey. These people are still actively involved in the society.

The major achievements of the society since early 2003 include purchasing and renovating Milton Clarke House, which is located in the federal electorate of Griffith. People with asbestos disease from country Queensland and northern New South Wales can stay free of charge with their families at Milton Clarke House whilst they receive medical treatment. The second key achievement of the society—and I want members to understand that this is only since 2003, but the society has been going since 1992—in the recent past is the opening of branches in Cairns and Rockhampton. Another achievement is participating in the New South Wales James Hardie inquiry. Further, the society has gained improvements in the compensation system—which is contained in the legislation that we are debating today and which we will no doubt pass—and has raised more than $130,000 for medical research into mesothelioma.

Two other achievements in this short period are establishing the Steel Magnolias, which is a group of people who have been directly affected by asbestos related disease and who meet regularly in a social environment for moral support, and obtaining a grant of $87,100 from the Jupiters Casino Community Benefit Fund to extend Milton Clarke House to keep up with the demand for free accommodation. The plans have been drawn up and building applications have been lodged. Shortly the builder will be able to undertake the necessary work.

I want to acknowledge the Brisbane Private Hospital, which is providing the space free of charge for the location of the disease society's information and support service. This is only the first step of a larger plan that the society has that involves establishing an asbestos disease centre of excellence at the Brisbane Private Hospital. On the medical side, this plan is being led by oncologist Dr Rick Abraham, who is the driving force behind the centre of excellence. The objective of the centre is to ensure that people with asbestos related disease receive the best possible information, support and treatment all under one roof. The establishment of the centre will ensure that workers with asbestos disease have ready access to all of the services needed by patients and their families.

This is distinctively Labor government legislation. As many workers rightly do, they look to the Labor Party in government to take all of the necessary action to address the disabilities and the difficulties that workers face in the workplace. This is yet another example of how the Beattie Labor government will put workers and their families ahead of the profits and the greed of the asbestos manufacturers who have decided to walk away from their moral and probably in many cases also legal responsibilities in this state and throughout Australia. I commend the bill to the House.

Hon. DM WELLS (Murrumba—ALP) (3.47 pm): This bill makes several amendments to our laws, all of them benign and three of them most significant. The three significant amendments are the amendment to the Limitation of Actions Act, the reversal of the decision in the case of Doughty v Cassidy, and the amendment to the Succession Act. I will deal firstly with the amendment to the Limitation of Actions Act. At the moment, under that legislation somebody is liable for causing an injury to another person if the action is brought within three years after the injury occurs or, in some circumstances, three years after the person becomes aware of the injury that has been caused to them. That law makes it rather difficult for people suffering from asbestos related illnesses. Owing to the progressive nature of this disease, it might very well be that somebody who is diagnosed with early asbestosis could be told by their doctor, 'Let's monitor this. Let's not panic. Let's not think that you are about to die.' It might be many years before that person is told by the doctor, 'I think we have now got to the point where we have to accept that this is going to significantly alter your amenity of life.' This bill enables that situation to be covered so that the person can still bring an action.

The way in which the law will be amended as a result of this bill is this: say somebody breathes asbestos in 1990 and for the next decade is pretty much okay. The doctor monitors that person's condition, but then in 1999—or perhaps even later—the doctor says to that person, 'We have now got to the point where this could cause your death and it will certainly significantly alter your amenity of life.' This statement by the doctor will now be taken for the purposes of our law as a material fact of a decisive character. Under our law, the material fact of a decisive character enables an action to be commenced, so the person can then commence that action.

This is a very desirable outcome not only because it enables people who are in that situation to nevertheless bring an action for the injury that they have contracted but also because it does not encourage people to immediately define themselves as in the worst case scenario. It is not psychologically good for people to define themselves in a worst case scenario, and sometimes to meet legal exigencies people do that. This bill removes from them the necessity of confronting that worst case scenario and encourages them to take a positive attitude unless and until something occurs which indicates to them that their quality of life is going to be decisively affected. So what this law does is make a material fact the decisive character of a statement by the doctor, 'Yes, we have monitored it for this period of time and, unfortunately, I have to tell you that it will now significantly affect your quality of life and/or might lead to your death.' So that is the amendment to the Limitation of Actions Act, and it is highly desirable for people in these circumstances.

The second significant amendment among the several that are contained in this piece of legislation is the act of this parliament in clarifying its original intention in respect of the amount of money that is payable. Under the legislation it was capped at three times the average weekly wage. The interpretation of how that was to be estimated by Her Honour Justice McMurdo in the case of Doughty v Cassidy was rather more stringent than parliament intended, and this sets that matter to rights.

The third amendment is to the Succession Act. Under this amending legislation it will be possible for an action that has been commenced during the lifetime of a person to continue and to be continued by that person's deceased estate. It is very important, I think, that the law should be capable of moulding itself to the circumstances of life. This is one of those kinds of actions where human nature has to be taken into account. When people know that they have had their amenity of life significantly disadvantaged as a result of the ingestion of asbestos, they nevertheless want to bring the action not for the benefits that are going to accrue to them but in order to achieve justice and in order to achieve something for the family that they will leave behind. This will assist them to do that.

So these amendments in this legislation that we are proposing to the House today are very benign. Not only do they address imperfections in our legal system at the moment and make it run better; they also address the essence of human nature. They are compassionate amendments. They are not amendments that are going to promote litigation, but they are amendments which allow litigation that has been undertaken to achieve the purpose it was undertaken to achieve and to do it in a compassionate and humane way. As a result of these amendments, a large number of people who would otherwise have had their reasonable aspirations defeated will be able to progress those aspirations.

This is an excellent set of amendments that is being proposed to the House. I commend the honourable Attorney-General for bringing them forward, and I recommend them to the House.

Mr TERRY SULLIVAN (Stafford—ALP) (3.54 pm): It is appropriate that anyone suffering from asbestos related diseases receive all the help that our society can give them. Past practices in industry and in homes where people suffered were largely based on the unknown. People were not aware that asbestos related products caused the serious illnesses that they did. It is unfortunate that it has been shown that certain groups, including James Hardie and others, when they knew that the product was adversely affecting their workers and those who used the products, did not come clean and make these concerns known so that steps could be taken to prevent the disease spreading and to treat those who had the disease. This is reminiscent of the tobacco companies who, when faced with overwhelming evidence that their product was causing lung cancer and other serious diseases, chose deliberately to hide this information so that those sufferers would not know about the dangers, and they held themselves to have no legal responsibility.

What the Attorney-General and her predecessor are doing with this legislation is assisting those who have been caught up with this disease. Others have mentioned that it is appropriate that the best workplace health and safety procedures be put in place for preventive measures in the future so that we do not have another wave of sufferers of this terribly debilitating disease. As previous speakers have mentioned, there can often be a very lengthy lag time between the ingestion of small fibres and the disease taking full hold. The member for Ferny Grove, I know, has taken a special interest in this, as has the member for Bulimba. I also had the opportunity to attend a church service a couple of years ago for those suffering from this disease.

But in working to assist those who are true sufferers we must be careful that we do not cause concern where concern is not warranted. I will take a parallel case of road safety. We should look at where deaths are occurring due to a lack of road safety and then the campaign should target those areas that are causing the accidents and deaths. We would not spend a whole lot of time and money in undertaking road safety activities or other health preventative activities in areas where there is a very small chance of harm being caused or a very small chance of contracting a disease. I am not saying that we should treat asbestos and asbestos related illnesses lightly. But we have to look at where people are most likely to contract that disease so that we can then prevent it.

There has been what I believe is an unnecessarily concerning campaign about asbestos products in schools. I will relate a story that has occurred in two of the schools in my electorate—Wavell State School and Wavell State High School—where asbestos products were found and the surface had been broken which meant that there were loose fibres. Both principals, in very quick time, made their school populations aware of what was happening and took appropriate steps. Q-Build came in, working with the education department, to address the situation. Those roofs which had not been disturbed were not a problem. In fact, I sat at the Wavell State School P&C meeting and we discussed these concerns openly. A parent said to me that the real danger in this area—referring to the Wavell Heights-Chermside area—is in suburban homes and in the old shops around Gympie Road where they used the super six with the old asbestos fibre roofs. There was no monitoring and work was carried out with no supervision. Damage has occurred to them and no-one was checking them. One mum said to me, 'The danger for my son is not at school but if he plays at a mate's place where damage has been done to the asbestos roof.'

The furore that has been created here has caused concern but has not addressed the real issue. If the members of the opposition who screamed loudly about this were serious, they would have done a range of things. If the member for Moggill, who led the charge with one of the schools in his area, were truly worried about the damage that asbestos related disease can cause, he would have called for every small business that has an asbestos roof to be inspected and monitored, to be paid for by that business. He would have called for every householder who has asbestos in their home, and where work is being done, to have an inspection regime.

If the members of the Liberal Party and National Party who have screamed that the education department should take certain steps were serious in what they were saying, they would have called for every home that has asbestos to have a monitoring or checking system. They did not. Why? They knew from all the evidence available that the chances of people catching the disease were minimal except where there were renovations or breakages of the surface.

The real target should be to spread information to householders, to weekend renovators and to small businesses who have asbestos materials in their offices, in their homes and in their workplaces to take steps when renovating. But the Liberal Party members deliberately chose not to bring this to the attention of small business because they did not want a cost imposed. Yet the people who attend the shops along the Gympie Road strip in my electorate are exposed to more dangers from asbestos in the shops than they are from any school buildings.

There are literally hundreds and hundreds of homes in the Wavell Heights-Chermside area that were built with asbestos products. There is absolutely no call from any member opposite to instigate a regime of prevention to ensure that home renovators have an inspection system to stop asbestos related problems. They have jumped on a bandwagon and told half-truths and lies. By saying that certain things were a danger to children when the testing programs from world-qualified experts said that there was no danger, they have drummed up an abnormally high level of fear. It is like saying that someone has died from an infection from an ingrown toe nail and running a major health campaign costing hundreds of millions of dollars. What has occurred is ludicrous. We should be targeting the spread of this disease in work places where asbestos lagging was used in renovations involving broken surfaces.

I am also disappointed in Steve Austin, who on 612 4QR has given the Kenmore State School P&C and others many runs on this. A couple of days after I attended the Wavell State School P&C meeting he had someone discussing asbestos. I phoned his program and told the producer that I had been to this P&C and they had actually said that they were not concerned about this issue. The school had informed the P&C properly and they were happy with what had occurred. I did not get put through to air those comments publicly. If people like Steve and others want to raise concerns, they have to be honest and they have to be fair in putting both sides of the story, and I am sorry that they were not.

Wherever there has been a legitimate situation of neglect, I am happy for any government agency—be it workplace health and safety, Health or any agency—to step up to those businesses, schools or private individuals to try to prevent the spread of this disease so that we do not have further cases of suffering. But what has occurred has been an absolute witch-hunt that, I am afraid, was easy to drum up but which was difficult to rationally discuss.

In conclusion, I highlight this as one example of many where an irrational and emotive approach in the media can drive public policy and where hundreds of millions of dollars of public expenditure can be directed to a cause or concern in a manner that is highly inappropriate. If Dr Flegg were concerned about the deaths of people in Brisbane from diseases, he would have asked for those hundreds of millions of dollars to go into diabetes prevention or into preventing older people from suffering falls that cause an abnormally high level of mortality. He would have joined with some of our ministers in trying to get better food into school tuckshops to stop the obesity and heart problems that are occurring. He would have given much stronger support to the antismoking campaigns. But he did not. The member for Cunningham, Mr Copeland, the shadow education minister at the time, also did not serve the people well by drumming up an abnormally high level of fear where that fear should not have existed and, in fact, the danger was not present.

I would hope that at some future time we can look back and see how this was an irrationally driven multimillion-dollar expenditure regime. I hope we can look back and see where, by jumping on a political bandwagon, we have allowed other people to die of readily identifiable and more easily contracted diseases. The minister in charge of this legislation has done a good job in bringing this bill to the House, which I fully support.

Hon. LD LAVARCH (Kurwongbah—ALP) (Minister for Justice and Attorney-General) (4.00 pm), in reply: The second reading debate of 29 September 2005 in the Civil Liability (Dust Diseases) and Other Legislation Amendment Bill will be remembered for at least three historic reasons. The Queensland Asbestos Related Disease Support Society will remember it fondly and historically. I would like to also acknowledge Shirley White AM in the public gallery this afternoon. Shirley has been here all day and has listened very keenly to the debate on this bill. Shirley is in the company of other supporters of the society—Thady Blundell and Wayne McStay.

The member for Ferny Grove advised the House of the work that this society does, and I would like to endorse the comments made by the member for Ferny Grove. I also thank these passionate people for their attendance today and, more importantly, I congratulate them on the important work they have done over a number of years. As we heard from the member for Ferny Grove, Shirley and her husband, Reg, have worked tirelessly over 10 to 15 years or more to bring about legislation such as this. She should feel very proud of herself for all the work that she has done on behalf of the sufferers of asbestosis and other dust diseases. I think all members should give recognition to Shirley.

Government members: Hear, hear!

Mrs LAVARCH: Shirley advised me in the lunch hour that she has waited many years for this day to come. I am advised that the society has in excess of 612 members but I am told that, sadly, 75 to 80 members per year pass away. I admire that the society is able to continue its work in the face of constant sadness, and for that Shirley and her team are to be admired.

The society offers support to members in a number of ways, not least of which is Milton Clarke House, which provides accommodation for country members of the society who come to Brisbane for diagnosis or outpatient treatment such as chemotherapy and radiology; family members of people with asbestos related disease who live in country areas who come to Brisbane to visit people with asbestos related disease who are hospitalised; and carers of people with asbestos related disease who need a break away from home. Milton Clarke House is made available at no cost to country members of the society and their families when members come to Brisbane for diagnosis and treatment. Carers who use the house for a holiday or a break are charged only $60 a week. It is the unfortunate circumstance that more and more people will need the support of this society in the future. The society, probably more and more, needs our support in the work that it does, and I commend it for that.

There is a second reason that the debate this afternoon and this bill give rise to a sort of historic event. It is not overwhelmingly historic, but it will be remembered by me. My predecessor, the Hon. Rod Welford, introduced this bill into the House in April this year, and it is a demonstration of the changes our government is bringing about to support sufferers of dust diseases. However, I am pleased to not only be the minister responsible for the passage of this bill through the House but also note that this is the first bill that I have carriage of in this House since I have been appointed Attorney-General and Minister for Justice. This is a bill that has not only joined both sides of the House in an overwhelming outbreak of compassion, understanding and support; it is a bill that is so underpinned by our Labor values, a bill that demonstrates the Labor principles of supporting workers and their families. That, for me, makes it a historic occasion—that is, that my first bill as minister has all of those elements wrapped up in it.

I also recognise that this is a historic occasion for the member for Chatsworth and the member for Redcliffe, because during the second reading debate on this bill they were able to deliver their first speeches in the House as newly elected members of this parliament. I hope that they also note the debate and note how the House can work together to bring about positive change for Queenslanders. However, I make one remark for the member for Chatsworth. The former member for Chatsworth, the Hon. Terry Mackenroth, was also elected on a by-election and delivered his first speech to the House during the second reading debate of a bill. He was probably a little less fortunate than the current member for Chatsworth, who was able to deliver his first speech during a bill which involves assisting people. The bill on which the former member for Chatsworth delivered his first speech was the cremations bill.

The fourth historic reason for the bill goes to the very elements of the bill itself—that is, the amendments that it brings to the Civil Liability Act. As we know, medical experts estimate that diagnosis of dust diseases will continue to rise over the next 10 to 20 years. The nature of dust related diseases is such that a special response to these diseases is warranted. The bill addresses the unique challenges dust disease sufferers face to ensure access to fair compensation.

I thank all honourable members for their contributions to the debate on this bill and once again emphasise the spirit with which this bill has been embraced by all members of the House. All members saw it as a bill that does deliver fairness and is a bill of compassion. This is obviously a matter that is close to the heart of many of us, and I acknowledge that during the debate many speakers relayed very personal circumstances of people and family members whom they know who are either suffering or who

have suffered, and I make particular mention of the member for Fitzroy. It must have been very painful for him to advise the House of the loss of a friend today from a dust related disease. We pass on our sympathies to not only the member for Fitzroy but also his friend and their family.

I now turn to some of the matters raised by members during the debate. As I said, I am pleased to have support for the bill from the member for Caloundra. He raised a number of questions during his speech, and I want to take this opportunity to respond to those matters. The first matter he raised related to the retrospectivity of the bill and the issue raised by the Scrutiny of Legislation Committee in its report to the House questioning whether having a retrospective operation of the amending clause would be a disadvantage to a defendant in a matter. In relation to issues about retrospectivity, I reiterate the comments made by the previous Attorney-General to the Scrutiny of Legislation Committee. Those comments were that the government considers that retrospective application of these provisions is fair and is workable. It ensures accessibility to claims that are presently on foot and also achieves a balance to ensure that the system remains manageable. It is appropriate to apply the provisions to claims on foot, otherwise the bill will not have any effect for many years to come. In striking that balance between the operation of the bill for current claims as opposed to having to wait until such time as the operation of the amendments commence from today, then it would be many years before anyone could have the benefit of those changes. It is all about striking that balance. We believe that the balance has been struck in a very fair and workable way, and I think the member accepted that during his speech as well.

The member for Caloundra raised the question in relation to tobacco related diseases and why they have not been included in the amendments brought before the House today to the Succession Act and the Limitation of Actions Act. The reason that they have not been included is that they relate to a different class of disease. The recognition here relates to the fast onset. In their speeches today members recognised that there can be a low level of diagnosis of mesothelioma that may have no impact on the quality of life for 20 or 30 years and then there can be a diagnosis of the rapid onset of the disease. It is that rapid onset that is recognised in the amendments and the relaxation in the Succession Act and the Limitation of Actions Act. It is that component of the disease which gives rise to those relaxations. In relation to smoking related diseases or tobacco related diseases, there are a whole set of different circumstances, and that is why it has not been included here.

The member also raised a question in relation to Agent Orange. I am not personally aware of any matters that have been resolved in the courts in relation to liability in the use of Agent Orange, but I cannot say categorically that that has been the case. I am happy to have a look at that to see whether there have been any cases in relation to Agent Orange and what that means for the people who have suffered as a result of exposure to it.

The bill also amends the Personal Injuries Proceedings Act as well as the Civil Liability Act. In relation to the Civil Liability Act, the member raised a question with regard to the limitation of damages in relation to economic loss. The current formulation of the Civil Liability Act limits the damages to three times the average weekly wage.

The member for Caloundra asked whether this was an excessive restriction. This bill does not limit the amount but rather restores the original intention of the legislation which was brought into question following the Supreme Court decision in Doughty v Cassidy in 2004. The tort law reforms introduced by this government, including the level of damages, continue to be monitored by my department.

In his speech the member for Southport highlighted the quickness with which dust diseases can progress. I thank him for his contribution. He also made a comment in relation to the concern that without an amendment to the Succession Act, as is proposed by this bill, defendants can delay their action until such time as death occurs and thereby limit any liability or financial exposure. Under the amendments to this act that will not occur at all.

The member for Surfers Paradise indicated his support for the bill and noted that the amendments proposed would bring about a positive change for sufferers of dust disease. The member for Woodridge noted that these amendments would ease the burden for sufferers and that the amendments are fair and compassionate to both sufferers and their loved ones.

The member for Moggill provided the House with an insight from his medical experience. I think all members were particularly thankful for his detailed contribution from a medical perspective. His speech detailed some of the devastating effects that dust disease has on sufferers and their families, and his speech highlights that the disease does not discriminate, sometimes manifesting in people significantly removed from direct contact with asbestos. The member noted that the laws as they currently exist have been used as a delaying tactic to reduce the level of damages those responsible would have to pay out. As noted by all members, the bill will remove these impediments to provide fair outcomes for dust disease sufferers and their families.

I want to make particular mention of the contribution by the member for Fitzroy. His contribution was one from a position of knowledge and probably his own fear in relation to his exposure to coal dust during his working life and what impact that could have on his health in the future. The member for Fitzroy introduced some other elements to this issue. He stated that the bill was demonstrative of good government by ensuring timely settlement of actions and just compensation. He noted, however, that

prevention is better than cure and that we need to keep working to ensure workplace health and safety standards are upheld.

The member for Fitzroy advised the House that the CFMEU views the legislation favourably, and he spoke about the issue of dust diseases, in particular from the point of view of coalmining. While there are inherent risks in this vocation, we must ensure that workers are as safe as possible. This bill will ensure that those who have been injured in the past will have access to just and fair compensation.

The member for Fitzroy made the very telling comment that this bill demonstrates Labor working at its best. I point out to the member for Fitzroy that he is not alone in stumbling over the pronunciation of some of the disease names. I am guilty of that myself. I think perhaps the member for Moggill should be the only person not excused for not getting the names right. They are certainly tongue twisters.

The member for Gladstone relayed some emotional circumstances of sufferers and their families and took the opportunity to call on the federal government to take on board elements of this legislation to provide compassion and fair compensation for the RAAF F111 workers who have been affected by exposure to chemicals and related diseases. I can only join the member for Gladstone and call on the federal government to provide fair and reasonable compensation in the circumstances of their workers.

The members for Bundamba, Nicklin, Mundingburra and Nudgee all endorsed the social justice principles of these amendments. The member for Nudgee spoke in relation to the Civil Liability Act amendment and the situation in relation to insurance premiums. Some of the percentages that he mentioned may be the ones that were published in the interim ACCC report, and I thought I might take the opportunity here to draw to the attention of the House some of the latest figures in relation to insurance premiums.

The intention of the Civil Liability Act was to provide a sustainable environment for the provision of insurance with the aim of reducing premiums. The Department of Justice continues to monitor the available data with a view to identifying the impact of changes brought about by the reforms. The Australian Competition and Consumer Commission's fifth insurance monitoring report was released in August 2005. It indicates that public liability premiums have fallen on average by four per cent in the 12 months to 31 December 2004—not as glowing a reduction in premiums as we would have liked to have seen. Over the same period the real average premium for professional indemnity insurance fell also by four per cent. A downward trend in CTP premiums is also now apparent as the effects of tort law reform become evident, leading to a level of competition in the Queensland scheme.

While these downward trends in premiums are favourable, it is still the insurance companies who determine the premiums. I will continue to monitor information such as the national claims and policies database held by the Australian Prudential Regulation Authority and also to lobby the federal government and insurers to ensure that the benefits of the law reforms are passed on to consumers. We still have a fair way to go in that regard.

The member for Capalaba made particular mention of the breathtaking immorality of James Hardie, as did the member for Algester, in seeking to defeat compensation payouts to their victims. In relation to those amendments that improve the processes and the access to damages for dust diseases, as we know, medical experts estimate that diagnosis of these dust diseases will continue to rise over the next 10 to 20 years. The nature of dust related diseases is such that a special response to these diseases is warranted. The bill addresses the unique challenges dust disease sufferers face to ensure access to fair compensation. The figures show that the number of people who will suffer dust diseases has not yet peaked and that the numbers will increase over the next 10 to 20 years or so. Sadly, many more people will face the very grave situation of being diagnosed with a serious dust disease.

This bill covers two other areas and amends the Personal Injuries Proceedings Act and the Civil Liability Act. I will respond to comments made in relation to those amendments. I have already addressed the comments made by the member for Caloundra. As I said, the decision of the Supreme Court in Doughty v Cassidy had the effect of limiting the awards of damages that may be made for economic loss and personal injuries claims further than was originally intended by parliament. The proposed amendment to the Civil Liability Act reinstates the intention of parliament.

The Personal Injuries Proceedings Act 2002 is proposed to be amended to better reflect the original intention of parliament that where a person makes a personal injuries claim they will only be required to enter into one precourt procedure so far as the claim against an individual respondent is concerned.

I take this opportunity to thank the former Attorney-General and his staff for the work they did in bringing this bill before the House. I also take this opportunity to thank the departmental officers and in particular Simon Grant for the work that he has done in ensuring that this legislation has been brought before the House. Once again I thank members for their contributions to the debate. I table a copy of the explanatory notes for the proposed amendments. Finally, I thank all members for their support of this bill and the amendments that will be discussed.

Motion agreed to.

Consideration in Detail

Clauses 1 to 5, as read, agreed to.

Clause 6—

Mrs LAVARCH (4.31 pm): I move the following amendment—

1 Clause 6—

At page 6, line 13, after 'dust-related condition'—

insert—

'that is, or will be, a contributing factor to significant loss of amenities, or expectation, of a person's life'.

This amendment clarifies clause 7 of the bill to ensure the proposed new section 30A only applies to the seriously debilitating forms of a dust related condition. As a result of the amendment, victims suffering less debilitating dust related conditions will retain the option to commence proceedings for claims related to the condition.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 15, as read, agreed to.

Third Reading

Bill, as amended, read a third time.

VEXATIOUS PROCEEDINGS BILL

Second Reading

Resumed from 9 August (see p. 2208).

Mr McARDLE (Caloundra—Lib) (4.33 pm): I say at the outset that both the Liberal Party and the National Party will be supporting the Vexatious Proceedings Bill 2005. The bill repeals the Vexatious Litigants Act 1981 and replaces it with the model bill prepared under the auspices of the Standing Committee of Attorneys-General. It is axiomatic that the community must be able to protect itself from the actions of vexatious litigants who continually seek to launch litigation that is without legal or other merit. At the same time, care must be exercised to ensure that the fundamental right of all citizens to approach our independent judicial system to seek justice in accordance with the law should not be subject to restraint. The courts have always recognised at common law that they possess the inherent right to refuse to hear litigants who seek to abuse court processes. Over the years, governments have enacted legislation to control such an inherent jurisdiction in order to ensure greater clarity and consistency of approach.

Under the Vexatious Litigants Act 1981, the Supreme Court of Queensland has the power to ensure that its processes are not abused by litigants bringing before it frivolous, vexatious and groundless proceedings. These actions are a waste of the court's time and resources and delay the hearing of more worthy cases. It is also upsetting, annoying and expensive for people to have actions brought against them when the true motive is to harass them or to enable the plaintiff to engage in a personal crusade of their own. In addition to this statutory power, the Supreme Court has always had an inherent power to control the actions of vexatious litigants.

There have been notorious examples of vexatious litigants in Queensland. In particular, one plaintiff was well known to the Supreme Court, the Federal Court and the High Court, having commenced over 50 proceedings in those courts. Among the issues litigated by this particular plaintiff were whether bank notes issued by the Commonwealth are legal tender and whether various pieces of Queensland legislation are valid in light of the Magna Carta. In another action he argued that the Constitution (Office of Governor) Act 1987 was unconstitutional, having the consequence that all legislation passed after it, including the Supreme Court of Queensland Act 1991, was invalid. Some of the issues had been raised and decided against this person in earlier litigation. Another person continually brought proceedings against the same people in relation to matters already decided against him, creating both cost and annoyance to those others.

The existing legislation in Queensland, the Vexatious Litigants Act 1981, sets out a process to enable the Supreme Court to prohibit or limit legal actions brought by a vexatious litigant and a person acting in concert with such a litigant. Before the Supreme Court can exercise its discretion to make such an order, the threshold test must be met. The threshold test refers to the legal actions and their nature, of which the court must be satisfied that a litigant has undertaken the level of recurrence of those acts. In Queensland such legal actions must be brought on a frequent basis to meet the required level of recurrence.

The act provides that the Supreme Court can declare a person or another person acting in concert with them to be a vexatious litigant if it is satisfied that the person has frequently and without reasonable ground instituted vexatious legal proceedings. However—and this is a very important protection—the person must be given the opportunity to be heard before the finding is made. The effect is that the declared vexatious litigant, or any person acting in concert with that person, must not institute or take legal proceedings without the leave of the court.

The act then establishes a process for applying for leave and conditions upon which the leave is granted. However, section 3(2) of the act provides that the order can only be made upon the application of certain specified people, including the Attorney-General. Thus, the person against whom the litigation is brought cannot make an application to the court to declare a person a vexatious litigant under the current legislation. In addition, the current act does not expressly give the Supreme Court the power to consider the actions brought by the potentially vexatious litigant in other jurisdictions in making its decision about whether there has been a history of the litigant instituting groundless legal proceedings.

This bill, however, will repeal the existing act pursuant to clause 17 and replace it with new and modernised provisions to prevent or limit legal proceedings being brought by vexatious litigants and persons acting in concert with them. It arguably seeks to provide greater fairness, include safeguards and strike a balance between the right to access justice through being able to bring legal actions and the right of persons not to be subjected to harassment or annoyance by actions without merit.

In particular, this bill will allow applications for vexatious proceedings orders to be made not just by the Attorney-General and other officers but also by a person against whom another person has commenced or conducted a vexatious proceeding or a person who has sufficient interest in the matter. However, in the latter two situations leave of the court must be obtained. Under this new bill, the court can also make an order of its own initiative.

Upon reading the bill I note that it defines a 'vexatious proceeding' to include one that is an abuse of a court's or a tribunal's process; is instituted to harass, annoy or cause delay or detriment, or for another wrongful purpose; is instituted or pursued without reasonable grounds; and is conducted in a way so as to harass, annoy, cause delay or detriment, or for another wrongful purpose.

The bill further sets out the criteria upon which the court will make a vexatious proceedings order in clause 6(1). The court will have to be satisfied that the person against whom the order is sought has frequently instituted or conducted a vexatious proceeding in Australia. An order can also be made if the court is satisfied that a person has frequently instituted or conducted a vexatious proceeding in Australia acting in concert with a person who is subject to a vexatious proceedings order, thus preventing the enlistment of a friend or other person to continue the crusade.

The bill will allow a consideration of vexatious proceedings brought in courts or tribunals in other states and territories outside Queensland—a significant change to the current act. This move recognises the ease with which vexatious litigants can make use of technology and developments in electronic court procedures to bring actions in a number of separate jurisdictions. This bill in particular provides for the types of orders that can be made, including one prohibiting a vexatious litigant from instituting proceedings or a certain type of proceedings in Queensland.

It, however, includes safeguards to recognise the importance of the right to bring legal actions. For example, the vexatious proceedings order cannot be made unless the court allows the vexatious litigant to be heard and the vexatious litigant can apply to have the order varied or set aside, although it can be restrained in the circumstances described in clause 8 of the bill. Additionally, the bill details the consequences of the order which apply to a vexatious litigant or those acting in concert with the vexatious litigant. These persons will not be able to institute proceeding or certain types of proceedings in Queensland without leave of the court and any current proceeding will be stayed permanently.

I do note that the court may declare that a proceeding is not one to which the order applies. The person will need to apply in accordance with the process specified for leave of a court to institute a proceeding prohibited under the order. The application must be dismissed if the application for leave process is not substantially followed or the proceeding itself is vexatious. The court's decision not to grant leave cannot be appealed. The process by and circumstances in which the court may grant leave are also specified and include that relevant persons, including the original applicant for the order, must have the opportunity to be heard at the hearing of the application. Thus, under the bill, vexatious proceedings orders can only be made by the Supreme Court, thus maintaining its existing inherent and statute jurisdiction.

The court, to act, must be satisfied that the person has met the threshold test or is acting in concert with the second person who also meets the test. Accordingly, for a person to lose their fundamental common law right to bring an action before the court, it must be established that that person has pursued particular courses of action through the courts on a frequent basis or has acted in concert with another in such actions. These particular courses of action are defined in the bill as including proceedings that are an abuse of process of the court or are instituted or conducted in a way to harass or annoy, or cause delay or detriment, or for other wrongful purposes or are pursued without reasonable ground.

The bill also provides balance to this loss or limitation of right to bring a legal action. The Supreme Court cannot make a vexatious proceedings order until the person in question has opportunity to be heard. In addition, a person with a vexatious proceedings order against them has the right to apply to the court to vary or set aside the order, as I have earlier stated. The bill also ensures that a person who is the subject of a vexatious proceedings order can bring a legitimate legal action—for example, a personal injuries claim. Under the bill, that person can apply to the Supreme Court for leave to proceed before commencing the proceedings. The Supreme Court will allow such an action to proceed if it is not vexatious. A person acting in concert with, or at the direction of a person who is the subject of a vexatious proceedings order, must also apply for leave to proceed.

The bill prevents a vexatious litigant who is the subject of a vexatious proceedings order from acting in concert with or directing another person to bring legal proceedings that are the subject of the order against the vexatious litigant. Any such legal proceedings brought by such a person are similarly not valid. It is considered appropriate to deter a vexatious litigant from continuing his or her cause in the courts by the recruitment of a second or third person. The bill does not allow the applicant to appeal the decision of the Supreme Court in a leave-to-proceed application. The decision is made by the Supreme Court after consideration of all relevant facts and it is considered appropriate to block off any avenue of appeal as vexatious litigants, by their very nature, take action in any way possible to question the court's decision regardless of the merit of their position.

As I stated earlier, under the existing act only certain office holders, including the Attorney-General, can apply to the court for such an order. The bill in its current form now allows ordinary citizens who are forced into wrongful and detrimental litigation at the hands of a vexatious litigant to apply to court for an appropriate order. To ensure that is not misused, the leave of the court must first be obtained. This means that the process under the act is accessible by all persons aggrieved by the actions of vexatious litigants. In all the circumstances we support the bill and recommend it to the House.

Mr SHINE (Toowoomba North—ALP) (4.45 pm): It is a great pleasure to speak to this bill. It is the second bill this afternoon of significant reform to the legal process in Queensland. Again I congratulate the Attorney for her efforts and those of her department in bringing it before the House.

The essential difference between the Vexatious Proceedings Bill and the Vexatious Litigants Act 1981 is that the bill allows the Supreme Court to take into account legal actions brought by or orders made about vexatious litigants in other jurisdictions to determine the appropriateness of the order. Up until now, the court, of course, was restricted to examination of what happened in its own jurisdiction. Now the Supreme Court, quite properly, will look at what has happened elsewhere in Australia and indeed overseas if need be, as I understand it.

The second distinguishing feature about this legislation—and an important feature, as I understand it—is that it is enacting provisions which enable litigants acting in concert with vexatious litigants also to be declared vexatious. That, of course, is a significant addition to the powers of the court and the practice of the court so far as vexatious litigants are concerned.

Prior to the passage of the Vexatious Litigants Act in 1981, the procedure for registering vexatious litigants was analogous to the procedure in the High Court where litigants are registered under the High Court Rule—order 63 rule 6(1)—since the court has an inherent power to deal with vexatious litigants. Similarly, the Supreme Court has always had jurisdiction based on its inherent power in that regard.

There are currently 11 persons registered as vexatious litigants with the Supreme Court of Queensland. I will table the list of those persons, but they are Dieter Soegemeier, Robert van Haeff, Leslie Fritz, Alan Skyring, Donald Cameron, John Abbott, Peter Gargan, John Sargent, William Tait, Richard Gunter and Geoffrey Bird. I am informed that those names are on the Supreme Court web site for obvious reasons. Many of them have acted in concert with each other and with other litigants in other places. Their litigation will very frequently involve courts such as the High Court and, of course, the Court of Disputed Returns.

The litigants on the register have in nearly all cases represented themselves, which raises the difficulty that the relevant court must decipher their claims and make an attempt to determine their legal rights. This leads to inevitable delay and the obvious consequence of tying up the time of the courts and delays to other litigants in the litigation process.

One of these litigants is Alan George Skyring who, in reliance on the Constitution and the Magna Carta, seeks to have a declaration from the courts that it is beyond the federal parliament's constitutional power to legislate to make paper money for legal tender. He has brought numerous proceedings before the High Court of Australia, the Supreme Court of Queensland and the Queensland Court of Appeal.

Mr Skyring operated in concert with another litigant, Mr Patrick Leo Cusack, who is not a declared vexatious litigant under the Supreme Court in Queensland although on 27 August 1992 he was registered as such in the High Court along with Mr Skyring under the High Court Rules. In January 1985 Mr Cusack attempted to issue writs against several Commonwealth ministers. His January 1985 request was refused in July 1985. At the same time, a similar application by Mr Skyring was refused.

In November 1988 Mr Cusack attempted to apply for a summons against the Attorney-General of Queensland, which was rejected in November 1988. He applied to have these rejections reviewed in March 1989, May 1991 and July 1991, being rejected each time and on the last occasion by the full bench of the High Court. The substantial point raised by Mr Justice Toohey in declaring both Mr Skyring and Mr Cusack to be vexatious litigants was that their applications for proceedings were persistent in trying to bring before the court the same argument that had already been decided against them.

The court can act on its own volition, but this bill allows private individuals who are the subject of vexatious litigation to make application to have the person declared a vexatious litigant. In other words, private people can now bring that application. Some of the bodies and persons sued by one vexatious litigant, Mr William Peter Tait, include the Townsville City Council—and Mr Deputy Speaker may well be familiar with this matter—officers of the Anti-Discrimination Commission of Queensland, the James Cook University Student Union, Citigold Corporation and a Small Claims Tribunal referee, among others.

In a case before the Court of Disputed Returns, brought by a Richard Stephen Gunter, some of the respondents included the Governor-General, the Australian Electoral Commission and the Premier of Queensland. This case was brought in conjunction with Mr Skyring and four other litigants, each of whom was enrolled in a different Brisbane federal electorate contesting the constitutional legitimacy of the 2001 election on the basis that candidates had paid their nomination deposits in paper money. Two of these people were appearing as Citizens of the Independent Sovereign State of Australia, with one of the two purportedly being the state's chief justice. All of Mr Gunter's cases ultimately stem from an incident in Ipswich where he was convicted of driving an unlicensed truck. Two years later he was convicted of walking an unleashed dog. This provoked three years worth of appeals and over 20 proceedings, some of which sought leave to have Mr Skyring appear as an amicus curiae, despite the fact that he had no legal training.

The examples of those two gentlemen indicate why this legislation is before the House. Covering the period 19 February 1980 to 27 February 2004 in Queensland, there have been only 11 registered vexatious litigants. So it is not a huge problem, but it is a problem for the courts. It creates delay and, therefore, it is a problem for other litigants who seek justice before our courts in Queensland. Therefore, it is timely that this matter be addressed. Accordingly, I again congratulate the Attorney-General and those working with her on the work that has been done to rectify and to liberalise the law in this regard, as I have indicated in my earlier comments.

Mr WELLINGTON (Nicklin—Ind) (4.53 pm): I rise to participate in the debate on the Vexatious Proceedings Bill 2005. I note that in the Attorney-General's second reading speech she referred to the introduction of this bill as being another occasion on which Queensland is leading Australia in the implementation of a new model bill, which I understand has been supported in principle by other state governments and the Commonwealth. It is great to see that Queensland can lead when it wants to lead. I urge members to reflect on that fact later this evening when we conclude the debate on another bill which is currently before the House.

One of the foundation principles of our democracy and our legal system that we all feel very passionate about is the freedom and the right of all citizens of our great country to take a matter to the highest court of the land—to a tribunal, to a court, to the High Court. That freedom and that right needs to be treasured and guaranteed forever. By the same token, we also need to ensure that people do not abuse that right and abuse it repeatedly whereby legislation has to be introduced to limit people's right to have their matters heard by a tribunal or a court. Unfortunately, today we are debating the removal of the current right of Queensland citizens to take matters that they feel passionately about—whether we agree or disagree with them—to the highest court in the land. Queensland is leading other states in introducing this new law.

I also note in the minister's second reading speech reference to this bill allowing ordinary citizens who are forced into wrongful or detrimental litigation at the hands of vexatious litigants the right to apply to the court for an appropriate order. I believe that is most sensible and most reasonable. I also believe that the law that we are debating tonight is good law. Unfortunately, sometimes parliament has to remove by legislation certain rights that we have taken for granted because people in our community have abused those rights.

I note that the bill we are debating this evening refers to a whole range of proceedings, which include any cause, any matter, any action, any suit, any proceeding, any trial, any complaint or inquiry of any kind within the jurisdiction of any court or tribunal. I think it is very important to note that the government—the ministers and the Attorney-General—have recognised the importance of ensuring that this legislation extends to the tribunals. Today more than ever we are seeing matters being referred to tribunals—even tribunals that have not been created yet—instead of being dealt with by the Magistrates Court, the District Court, the Supreme Court, the Court of Appeal or the High Court. Today more than ever we have a whole range of tribunals that have been created to relieve the pressure on our court system and to give many people the opportunity to have their case heard without needing to rely on solicitors or barristers. So I say to the Attorney-General that I am very pleased that this legislation extends the ambit of ordinary Queenslanders to make an application to declare a person a vexatious litigant and that it also extends the ambit of courts and tribunals.

I also note that the bill clarifies the definition of a vexatious proceeding. It states the following—

(a) a proceeding that is an abuse of the process of a court or tribunal ...

That clarifies exactly what we are talking about—someone who has abused the right to pursue their matter before a court or a tribunal. The definition also includes the following—

(b) a proceeding instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose; and

(c) a proceeding instituted or pursued without reasonable ground ...

One of the key principles of bringing people before the civil courts or the criminal courts is the standard of proof, whether it is reasonable or not. I am very pleased that in this instance we have clarified that vexatious proceeding includes 'a proceeding instituted or pursued without reasonable ground'. It also includes 'a proceeding instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose'.

I congratulate the Attorney-General on introducing this legislation and leading the way in Australia. Hopefully, we will see similar leadership on other bills that I know Independents and the opposition will bring before this House. We urge the government to similarly support our attempts to lead other states on very important issues, just like we have on this issue. I commend the bill to the House.

Mr LANGBROEK (Surfers Paradise—Lib) (5.00 pm): I will probably not speak with the same alacrity and enthusiasm as the member for Nicklin, but I do congratulate the Attorney-General. I was just saying to the member for Toowoomba North that perhaps he may consider bringing in a vexatious constituents act, not that we have any in Surfers Paradise!

Mrs Lavarch: So you would never be a vexatious constituent?

Mr LANGBROEK: No, exactly; that is right. I am pleased to rise to speak on the Vexatious Proceedings Bill, and in doing so I want to join with my colleagues in supporting this legislation. I want to speak briefly on two points regarding this legislation: firstly, generally on vexatious proceedings and their effect on the courts and the court system; and, secondly, on the modernisation aspect of this legislation. Vexatious proceedings are an unwanted and unnecessary component of the clog that makes the court system inefficient. Such an abuse of the court's time is ridiculous and it puts undue stress on staff and the court and in many cases it clogs up precious resources—the most precious of which is time—on matters that have little or no reasonable grounds.

There have been some classic vexatious proceedings that I have read about over the course of looking over this bill. My favourite one, of course, is the one that I think the member for Toowoomba North mentioned—that is, the case of Alan Skyring bringing before the Supreme Court the issue of whether or not pieces of Queensland legislation are legal under the Magna Carta. This is the type of proceeding that needs to be stopped. However, as always—and under our system it is a given—every person has a right to be heard before the law and everyone has a right to access justice. It is only in the most vexatious of circumstances, to use the language of the bill, that a person should be denied this right, and this can occur after a series of matters that a person brings that have little or no reasonable grounds.

The definition of a vexatious proceeding provides us with a great scope for determining exactly the beast that we are dealing with here. A vexatious proceeding is one that is an abuse of the tribunal's process—a matter that is instituted simply to annoy or to cause delay for a wrongful purpose, and this could be for a whole range of reasons. It could be to annoy the court, it could be to harass or upset another party or it may be for no apparent reason at all. It is a matter that is instituted without reasonable grounds, and this is here as part of a set of criteria, because on its own there is a range of proceedings that could not have any reasonable grounds but may have some grounds or at least comprehensible grounds—something that some vexatious proceedings cannot lay claim to. All of this is considered in the determination of a vexatious proceedings order. I am pleased to support a piece of legislation that improves the courts' efficiency.

The other very good aspect of this bill is the modernisation of the current provisions. This bill brings Queensland into line with a national standard of dealing with vexatious proceedings, and this is wonderful because this prevents those vexatious and annoying litigants from hopping jurisdictions looking for a more favourable outcome. The provisions also allow for not just the Attorney-General but a range of other people who are in a good position to do so, including the court itself—to make an application for a vexatious proceeding. I look forward to the ridiculous cases that we have seen in some courts reducing as a result of this legislation. I commend the Attorney-General again on bringing this legislation forward. I commend the bill to the House.

Mr CHRIS FOLEY (Maryborough—Ind) (5.03 pm): I rise to speak on the Vexatious Proceedings Bill 2005. It would be wise to start with a quote from Abraham Lincoln, one of the great lawyers and great American presidents. In his wise words, he said—

Discourage litigation. Persuade your neighbours to compromise whenever you can. As a peacemaker the lawyer has superior opportunity of being a good man. There will still be business enough.

Those words should echo through our legal halls, because vexatious litigation in spirit is the direct opposite of this particular quote from Mr Lincoln. When we go to our legal definitions, vexatious litigation is described as—

Filing a lawsuit to bother, annoy, embarrass to result in legal expenses to the defendant, knowing that the suit does not have any legal basis. Vexatious litigation may include continuing a lawsuit after discovering facts that indicate that it does not have merit. The defendant has the right to file a suit for 'malicious prosecution' against the original vexatious plaintiff—

that is, under some legal jurisdictions. The definition continues—

Many states—

and, in fact, across the world—

allow judges to penalise the plaintiff and his/her attorney with sanctions for filing or continuing a 'frivolous' legal action—

that is looking at the overseas experience. It continues—

Money is then awarded to the defendant for the trouble and/or attorney fees.

Probably the classic quote on vexatious litigation is by the esteemed writer Gore Vidal, who noted—

For certain people after 50—

and as I am 49 years of age this is something I am going to take notice of—

litigation takes the place of sex.

I do hope that my life never quite stoops to that level of disinterest in certain activities. Vexatious litigation is that which is brought, regardless of its merits—and usually they have none—solely to harass or subdue an adversary. It is a little bit like parliament on a bad day. It may take the form of a primary frivolous lawsuit or it may be the repetitive, burdensome and unwarranted filing of meritless motions in a matter which is otherwise a meritorious cause of action. It is an abuse of the judicial process and almost always brings down sanctions on the offender. Repeated and severe instances by a single lawyer can result in some cases in some jurisdictions in their eventual disbarment.

Also, in some jurisdictions there is a list of vexatious litigants—and we have already heard some brave people name some of those people under parliamentary privilege who have been noted by the Supreme Court as vexatious litigants—who are generally people who have repeatedly abused the legal system and who choose to represent themselves rather than employ a lawyer. I will talk a little more about that later on. Those on the list are in general forbidden from any further legal action or require permission from a senior judge to engage in that particular pursuit. The process by which a person is added to the list, of course, varies widely between jurisdictions.

Under English law and legal systems, a vexatious litigant is someone who is debarred from bringing a case to court because they have previously abused the legal system. For example, under California law under the Code of Civil Procedure, section 391(b) notes that a vexatious litigant is someone in one of the following categories—and it has defined this very clearly—

In the immediately preceding seven-year period has commenced, prosecuted or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.

Most people would realise that when someone is facing a lawsuit it can be a terribly emotionally taxing situation. We would take great pride in our Australian and, in particular, our Queensland legal system in making sure that matters have a reasonable chance of coming to conclusion, as they can be a life-ruining thing.

Further, under California law, the Code of Civil Procedure states—

After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the same determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.

If anyone in the House actually followed that paragraph, I am assured that they must be a lawyer. It continues—

In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings or other papers, conducts unnecessary discovery—

which can be an expensive business, as anyone who has ever engaged in a lawsuit would well understand—

or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

Voltaire made this great observation about law. He said—

Animals have these advantages over man: they never hear the clock strike, they die without any idea of death, they have no theologians to instruct them, their last moments are not disturbed by unwelcome and unpleasant ceremonies, their funerals cost them nothing, and no one starts lawsuits over their wills.

I said earlier that I would extrapolate further on the whole concept of self-representation. When one looks at the frequency with which vexatious litigants self-represent, it strikes me fairly clearly that these people are frustrated lawyers. Somehow or other they are imbued with a social high by getting in

and indulging in the cut and thrust of law without having the discipline of going to university. Perhaps what we should do is have judges award them a university course to indulge in more noble pursuits than wasting everybody's time.

Indeed, there is a fine line between justice and vexatious retribution at law, and this, as the member for Nicklin said, fundamentally abuses those rights and freedoms that we enjoy under law. Looking carefully at this particular piece of legislation, I am always alarmed when I see a person looking at litigation as an alternative to superannuation. So often we have a Gold Lotto mentality and people think, 'If someone offends me, I will sue the pants off them and then I will be able to buy a holiday house and retire.'

On one particular holiday I was on with my family, I heard a father talking with two sons. He was saying that someone was going to do something bad by him and he said, 'I really hope this happens because then I will sue the pants off them and we will buy a holiday house at the Sunshine Coast.' It is that kind of thinking that has slipped into our legal system, unfortunately as a result of adopting things such as no win, no fee and the American legal system where people are sued for breathing out of line.

Clearly that is a situation that has to be rejected. People taking legal action without any reasonable grounds, people using arguments which have already been rejected, people who disregard the court's practices and rulings and people who use persistent attempts to abuse the court's processes are going to be tidied up by this bill. I think it is a wonderful thing. There needs to be a coordinated and national approach. I commend the working party of officers from all states and territories and the Commonwealth who have considered options for legislative consistency, because if a person can simply bring an action in another state and that is not caught up under our state's legislation it really opens up a whole can of worms for the person to consistently make a blessed nuisance of themselves in court.

I would like to note in closing that this bill repeals the Vexatious Litigants Act 1981 and also enacts new provisions to prohibit or limit legal actions brought by vexatious litigants or persons acting in concert with vexatious litigants, which, as the member for Toowoomba North duly noted, is a dramatic improvement in this particular situation. This bill balances the rights of the fundamental freedom of access to the law courts and appeals, and for that it is a wonderful piece of legislation. I congratulate our new Attorney-General and commend the bill to the House.

Mrs MILLER (Bundamba—ALP) (5.13 pm): I rise in support of the Vexatious Proceedings Bill 2005. Vexatious litigants exhibit certain behaviours including taking legal action without any reasonable grounds, repeating arguments already rejected, displaying utter disregard for court rulings and court practices, and also abusing court processes. Vexatious litigants cost the taxpayer money and they also cost defendants money. They waste the time of the courts, they waste the time of court officials and they waste the time of court staff including the registrars of the courts and the registry staff. Registrars and registry staff undertake important roles on behalf of the justice system of Queensland and they are all dedicated, professional public servants. From Thursday Island to Coolangatta, registry staff do a great job. I would particularly like to register my thanks to Nev Bawden, who is the registrar of the Ipswich Magistrates Court, because he is a very professional officer in our local area.

This bill repeals the Vexatious Litigants Act 1981 and it also enacts provisions to either prohibit or limit legal actions brought by these vexatious litigants. I understand that Queensland is the first state in Australia to implement this model bill into legislation. The legislation results from a Queensland initiative to the Standing Committee of Attorneys-General, SCAG, and a working party of officers made up of officers from all state and territories who developed the model bill. Along with the member for Maryborough, I thank these officers for their very professional advice.

I would like to go briefly to clause 5 of the bill, which states—

Any of the following persons may apply to the Court—

that is, to the Supreme Court—

for a vexatious proceedings order ...

These persons include the Attorney-General, the Crown Solicitor, the registrar of the court, a person against whom another person has instituted or conducted a vexatious proceeding and a person who has sufficient interest in the matter. So they are clearly defined people who can apply to the court for an order.

I am also pleased to see that under clause 9 of the bill the registrar of the court—that is, the Supreme Court—must arrange for a copy of the order to be published in the gazette within 14 days and also entered in a publicly available register kept for the purposes of this specific act in the registry of the court in Brisbane within seven days after the order is made. I understand that it can be published on the court's web site as well.

I am also very pleased that consultation of the draft bill was circulated to key stakeholders including the courts, the Crown Solicitor, the Bar Association of Queensland and the Queensland Law Society, and I am pleased that all stakeholders have indicated their support of this bill. Again, I congratulate the Attorney-General on bringing this bill before the House, because in the end it will save time and it will save money for the whole state of Queensland. I commend the bill to the House.

Mrs MENKENS (Burdekin—NPA) (5.17 pm): I rise to speak to the Vexatious Proceedings Bill 2005. I am more than pleased to be able to support this bill today. In our increasingly litigious society, the use of the courts by those with a grudge to pursue frivolous, baseless and imagined transgressions is unfortunately increasing. While I am the first person to argue for the rights of the individual and for the law to be applied equally to all, there is a need for simple commonsense to be applied in deciding the most prudent course of action. To quote from the explanatory notes—

Under the existing legislation, the Supreme Court cannot take into account legal actions brought by, or orders made about vexatious litigants in other jurisdictions in Australia in determining whether the required level of recurrence has been met.

This new bill addresses this lack and automatically lets orders made and legal actions brought in courts and tribunals in other states to be taken into consideration by the Supreme Court when determining whether the threshold test has been met.

The fact that this bill is being introduced to resolve an existing technical problem, that the concept originated from the Standing Committee of Attorneys-General and that it has the support of all the states and territories reassures me that this bill introduces a much-needed change to the current act and resolves the previously existing anomaly between the intent and the letter of the law.

This bill does not seek to curtail the rights of litigants to bring proceedings before the courts, nor does it seek to deny the use of the courts to those with a reasonable and a legitimate grievance. It does guarantee a person's right to be heard before a vexatious proceedings order is made by the Supreme Court, and they retain the opportunity to have that order to be varied or to be set aside.

Too often we hear of a person or a family who is seriously disadvantaged by the cost of defending themselves in the courts against patently false, patently baseless, trumped-up or absolutely vexatious litigation.

This type of behaviour was demonstrated only too clearly recently when a north Queensland grower was taken to court by an activist over the legality of an electrical grid erected to protect his crop from the nightly raids of flying foxes. The fact that the grower was found not guilty is cold comfort when the costs of that court action are realised. I have no doubt that it would have been personal costs and costs to his crop.

Mr Springborg: $100,000.

Mrs MENKENS: $100,000. Where costs are not awarded, and where people are in situations such as this grower, the grower and his family, through having to defend himself in court, have no avenues to redress this situation. Even if he can survive this financial blow, what is to stop it happening again? These are situations that cause the most incredible grief to so many people.

Instead of the law being used to define the rights or wrongs of an action and the courts being a fair and impartial body to impart judgment, today we often see the law and the courts being manipulated and abused by elements to whom neither fairness nor justice matter.

This legislation will allow those who are forced into wrongful and detrimental litigation by a vexatious litigant to apply for an appropriate order after first seeking leave to do so. It opens up an avenue that was previously closed to many trying to ameliorate the effects of such proceedings while not interfering with the common law right of a person to take legal action to redress a wrong. It gives those who are subjected to ongoing and expensive legal action a means of ending such actions. It also preserves the dignity of the courts. It stops the systemic abuse of court processes and ensures that any actions brought must have reasonable grounds and are not a rehash or repetition of previous arguments. I commend the bill to the House.

Ms BARRY (Aspley—ALP) (5.21 pm): I also rise to support the Vexatious Proceedings Bill 2005. I also say that this is the first bill that I have spoken to that has the new Attorney-General in charge of it. I would like to commend her on the previous legislation and this legislation. The Attorney-General made her first time in taking the carriage of a bill through this House appear effortless, and that is in no small part due to her extensive practical knowledge and her passion for the law. I commend and congratulate her on that.

A vexatious litigant is a person who demonstrates particular behaviours in pursuing legal actions through the court. Those behaviours include taking legal actions without any reasonable grounds, a repetition of arguments that have already been rejected, disregard for the court's practises and rulings, and persistent attempts to abuse the court's processes. The consequences of pursuing such actions include wasting public resources, and the harassment and annoyance of defendants in litigation that lacks a reasonable basis.

The existing legislation in Queensland, the Vexatious Litigants Act 1981, sets out a process to enable the Supreme Court to prohibit or limit legal action brought by a vexatious litigant or a person acting in concert with a vexatious litigant. Before the Supreme Court can exercise its discretion to make such an order, the threshold test must be met. The threshold test refers to the legal actions and their nature that the court must be satisfied that a litigant has undertaken—that is, that the litigant has brought legal actions that are vexatious—and the level of recurrence of those acts. In Queensland such legal

actions must be brought on a frequent basis to meet a required level of recurrence. Currently there are 11 vexatious litigants who are prohibited from taking action in Queensland. In Queensland there has been difficulty in reaching the threshold test. Under the existing legislation the Supreme Court cannot take into account legal actions brought by, or orders made about, vexatious litigants in other jurisdictions in Australia in determining whether the required level of recurrence has been met.

Through the forum of the Standing Committee of Attorneys-General, Queensland initiated the idea of a nationally consistent approach to legislation to deter and curtail the activities of vexatious litigants. A working party of officers from all states, territories and the Commonwealth considered options for legislative consistency and for recognition of orders made and vexatious legal actions brought in other jurisdictions. Accordingly, the model Vexatious Proceedings Bill 2004, the model bill, was developed by the working party. The model bill takes into account issues raised during consultation within each jurisdiction and the Parliamentary Counsels' Committee.

Each jurisdiction can now use the model bill as the basis for its own legislation to control vexatious litigants. Even though the legislation would not be uniform across Australia, the approach to vexatious litigants would be consistent and would discourage vexatious litigants from forum shopping. It would curtail litigants acting in concert and enable similar consequences to flow from one jurisdiction to another. The bill implements the model bill as legislation in accordance with the policy position and the drafting style in Queensland.

The proposed Vexatious Proceedings Bill 2005 will repeal the Vexatious Litigants Act 1981 and enact new provisions to prohibit or limit legal actions brought by vexatious litigants or persons acting in concert with a vexatious litigant. The major improvements upon the existing action is that orders made and legal actions brought in courts and tribunals outside of Queensland can be taken into consideration by the Supreme Court in determining whether an appropriate order should be made.

This is sensible legislation. I congratulate the Attorney-General and her department on this legislation. I commend the bill to the House.

Hon. LD LAVARCH (Kurwongbah—ALP) (Minister for Justice and Attorney-General) (5.25 pm), in reply: I thank all members who have participated in the second reading debate for their support and their thorough understanding of the problems that can be caused by vexatious litigants. I thank the member for Caloundra and shadow attorney-general for indicating the support of the opposition.

This is a situation where people, through vexatious proceedings, can cause problems of access to justice for others. The reforms in this bill reflect the importance of access to justice. The bill will improve the capacity of the courts to respond to parties with genuine legal actions. It is a fundamental provision of the justice system that every person has a right of access to courts to remedy any infringement of their rights. But it is also recognised, as it was by all speakers this afternoon, that unfortunately there are some litigants who use the court process to pursue individuals or causes that lack a reasonable basis. This bill implements a Queensland initiative to curtail and deter the activities of a vexatious litigant on a consistent basis around Australia. I commend the bill to the House.

Motion agreed to.

Consideration in Detail

Clauses 1 to 17 and schedule, as read, agreed to.

Third Reading

Bill read a third time.

HEALTH SYSTEM

Dr FLEGG (Moggill—Lib) (5.28 pm): I move—

That this House censures the Beattie government for its mismanagement of Queensland's public health system and its disregard for the quality of care provided, including over 108,000 Queenslanders being on hospital waiting lists, unacceptable levels of complications for patients and unnecessary deaths.

In this House we hear from the government the greatest range of excuses for its failure to provide Queenslanders with safe, basic and accessible health services. In fact, it blames anybody and everybody it can think of, from the federal government to doctors to whistleblowers to members of its own departments. However, it cannot escape the fact that its failure to provide adequate health services is across-the-board. It is not due to a shortage of doctors; it is not a federal government issue. The hospitals in Queensland are run by the Queensland government and it cannot escape responsibility for its own failings.

In fact, on every front this government has failed the patients of Queensland. The state has a hopelessly inadequate number of hospital beds. Hospitals such as the PA and Royal Brisbane have had their bed counts slashed. The number of beds at Townsville Hospital has been virtually halved. The Gold

Coast has a miserable 750 public beds for the entire district. The end result of this shortage is that Queenslanders have been turned away in droves. Our emergency departments are choked to death by access block, as patients lie on trolleys, sometimes for days, unable to get an urgently needed hospital bed. Elective surgery is cancelled on a regular basis because no beds are available.

To make matters worse, the limitation on available beds is not just a physical phenomenon. We physically have beds in most of our hospitals; however, because of the government's maladministration of budgets and its preference for spending money on administration or peripheral activities rather than the core business of providing hospital treatment for patients by qualified doctors and nurses, many of these beds remain closed simply because there is no budget to supply a nurse or a doctor to treat a patient in that bed. The Royal Brisbane Hospital turns patients away daily because it lacks intensive care beds. The beds are there and fully equipped, but there is simply no budget to open them.

Month after month, we endured this government's deception of Queenslanders and its denial of the existence of secret waiting lists. It took the powers of a commission of inquiry to extract the information that the government was so desperate to hide from Queenslanders. What a shocking revelation it was. There are 108,000 people with absolutely no idea of when or if they would ever be treated, and waiting for appointments to get onto official lists through clinics where the intake of patients was cynically manipulated to give a false impression of published waiting lists.

This government cannot blame the federal government, doctors or its own departments for this tragedy on the people of Queensland. This was deliberate government policy. It was a deliberate government policy that cost the lives of dozens of Queenslanders who were waiting for operations for life-threatening diseases, such as cancer and heart disease, with absolutely no indication from the government as to how long they would wait or whether they should be seeking treatment elsewhere.

Tragically, we have heard revelation after revelation, through the commission of inquiry, about the irresponsible use and lack of supervision of overseas trained doctors who have not met any sort of Australian qualification standard. This problem was not confined to one doctor or to one hospital but was a problem right across the state and, tragically, is a problem that continues unabated in hospitals across Queensland. It is a Queensland problem.

Once again, this was an issue of deliberate government policy. The government attempts to blame issues such as doctor shortages and the like, but this government is responsible for the doctors it employs in Queensland Health and this government is responsible for ensuring that those doctors are supervised.

We have heard evidence that in places like Hervey Bay, Bundaberg and elsewhere, fully qualified Australian doctors who could have supervised and helped train many of the government's unqualified doctors were refused jobs in Queensland's public hospital system. This was not a matter of a doctor shortage; this was a matter of irresponsible policy in the use of unqualified doctors by a government that did not care about the quality or safety of the health care it delivered.

On the issue of a doctor shortage, whilst it is wellknown that Australia needs more doctors, the situation in Queensland is far more critical than necessary for these available resources. In fact, Queensland is a desirable destination for people to come and live, unless they happen to be doctors, in which case they are leaving Queensland in droves. Half of the intake at James Cook University—much touted by this government as an initiative that would deliver doctors to rural and regional parts of the state—have elected never to work in Queensland and have applied for jobs in other places because of the poor standards and the maladministration of health care in this state.

Let us consider cardiac services. Heart disease is the biggest killer of Queenslanders. It is a condition that can affect young people and lead to their sudden death. Queenslanders simply have not received the benefit of the dramatic advances in the treatment of heart attack and ischemic heart disease. Less than half of Queensland's heart attack victims receive the appropriate treatment for their heart attack within the correct time frame. If they are unfortunate enough to live in a regional area, their chances are even less than that. Currently, the average is one death a week on the cardiac waiting list in this state. What a shame and a disgrace for Queensland. A significant number of preventable cardiac deaths occur because people are unable to get timely transfers from regional hospitals or are simply unable to get timely treatment in metropolitan hospitals.

Like everything else we have seen in this debate, the government's response has been secrecy, to shoot the messenger, to attack the cardiac society and to get rid of anyone who reveals publicly how grim the situation facing cardiac patients in Queensland really is. It will try any solution at all, except honesty and 'fessing up' to how bad it has allowed the situation to become and seeking genuine remedies to dramatically improve Queenslanders' prospects of surviving and fully recovering from heart disease.

How could anyone justify creating a system where unqualified people are deemed to be medical specialists? How could anyone justify inventing arbitrary ways to get around proper college credentialing of doctors so that those doctors could be employed initially as house officers or medical officers in order to bypass any critical examination of their skills and then be used as senior specialists, positions for

which they are not qualified? This is a systematic effort to circumvent the processes that are in place and that are used in other parts of Australia to ensure that doctors meet proper standards and that patients are safe.

Time would get the better of me if I were to deal with all of the maladministration of health in Queensland or discuss the crisis facing maternity services in Queensland. I have a deep concern about the mental health services in Queensland, where funding is grossly inadequate, community support is simply absent, hospital beds for seriously ill people are frequently unavailable and, because of the lack of secure beds, dangerous patients are placed in general wards with general medical patients.

The measure of a society is how it cares for those in need who are unable to provide for themselves. We are not talking about minor or unnecessary health care; we are talking about whether people live or die from a heart attack, whether people survive a bout of cancer and whether mental health patients pose a danger to themselves or to the general community.

One general thread runs throughout the tragedy of the health system in Queensland; that is, there is no-one else to blame except this government. The failures that have led to the crisis we are experiencing are all matters of government policy, from hiding secret waiting lists to using unqualified doctors to covering up adverse outcomes. The crisis facing patients in Queensland hospitals is not the fault of anyone else or the fault of doctor shortages.

Time expired.

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (5.38 pm): I rise to second the motion moved so eloquently by the honourable member for Moggill.

This government has at its very own feet the cause and responsibility for the current health crisis which many Queenslanders find themselves in. Queenslanders, by and large, are shaking their heads at this government's incompetence, negligence and maladministration of the health system in this state, which has led to more and more people suffering and dying on our hospital waiting lists.

The government told the Morris commission of inquiry that the number of people on secret hospital waiting lists or waiting to get on the waiting list in Queensland was some 30,000. It was then revealed that the real number was over 108,000. That proves that this government will stop at absolutely nothing in order to cover up the truth, in order to seek to buffer itself against the political fallout—the very real fallout—from the health system crisis in Queensland.

Because of its failure to retain our medical specialists, our nurses, our doctors and the VMOs who work in the hospital system in Queensland, this government has become addicted to employing overseas trained doctors. We see nothing wrong with properly qualified overseas trained doctors. But because this government was so addicted to them, because this government ran down the system so much and was losing so many doctors and so many specialists, it had to bring more and more people in and it had to deem those people. That is where things really started to go wrong.

If anyone thinks this problem with unqualified overseas trained doctors is an issue in other Australian states they can think again. Queensland has 20 per cent of the Australian population, yet it has 40 per cent of the overseas trained doctors. How many people know about that? There is no problem with the majority of those overseas trained doctors; they are well qualified. But we saw this government prepared to put standards and accreditation to one side in order to have substandard care and certain people with substandard qualifications operating in areas of need throughout Queensland, and that is appalling.

Honourable members should look at the situation of the former minister for health, Mr Nuttall, who now sits on a quasi backbench. He went before a parliamentary committee and denied something which he himself knew. The consequence of his denial before that committee was that the two people—the director-general and the deputy director-general of the Department of Health—who kept him accountable were sacked and the minister was sidelined to another portfolio. This government does not have the answers.

The Premier went overseas recently. We do not have any problem with him taking overseas trips, but the timing was a problem. He went to London and was trying to attract people to come and work in Queensland from London. Out of 9,000 hits, 20 wanted to be doctors, 20 wanted to be nurses and 20 wanted to be something else. What he and other people are not telling us is where those people who were applying were trained and what their qualifications are.

That is not necessarily going to fix our problem. The issue here is doctor retention—something that the former minister for health did not understand at the rural doctors conference in Cairns. The doctors at that conference were saying, 'Minister, what about retaining doctors?' 'Oh, no, we have not got enough doctors. We are not training enough doctors.' They were asking, 'What about retaining, encouraging and valuing the doctors in the system?' He did not understand it. It went straight over his head. He had no idea whatsoever. That is the issue: this government is losing doctors hand over fist to other Australian states and overseas because of the poor conditions. Money is one thing, but the way the government treats and values its staff, the way that workplace bullying complaints are dealt with, the way that issues of mismanagement are handled and their capacity to be able to do their job with minimal interference is more important to those doctors, visiting medical officers and other staff.

This government and its stewardship of the health system can be categorised as denials, incompetence, mismanagement and neglect, which has led to death and misery for many people waiting on hospital waiting lists in Queensland. We have to get back to the basics. Quite frankly, the basics are simple. Two things will fix the health system in Queensland: one is money and the other is good management. It is no good throwing a big bucket of money at it without getting the administrative and bureaucratic systems right as well as the overall systems which value and provide a real system of clinical care. Those are the most important things. The government has to get those things right. If it does not, it will not work.

Time expired.

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Treasurer) (5.43 pm): I move the following amendment—

That all words after 'House' are deleted and the following words inserted—

'acknowledges the challenges that currently exist in Queensland's public health system and notes the Beattie government's commitment to respond positively and proactively by building on the reports of the Forster review, the Davies inquiry and the Productivity Commission on health work force issues.

Further, that this House notes the importance of the minibudget that will be handed down on 25 October 2005 and acknowledges the announcement by the Premier that health reform will be the government's No. 1 priority.'

I highlight for the House that Queensland Health's recurrent budget has grown from $3.3 billion in 1998-99 to more than $5.35 billion this year, an increase of around 63 per cent, or nearly 7¾ per cent per annum. On top of the $5.35 billion recurrent Health budget, there is a 2005-06 capital budget of some $574 million. That is up a staggering 55 per cent compared with 2004-05. Over seven years, the state's contribution for the recurrent budget from consolidated revenue has risen from $1.8 billion to more than $3 billion. That is an increase of more than 66 per cent, or more than 7½ per cent per annum.

There is more: since unveiling the 2005-06 budget we have topped up funding, with hundreds of millions of dollars worth of new commitments to better reward the health work force. By contrast, the health contributions from Commonwealth grants funding have grown by only 54 per cent, or around 6.4 per cent per annum, over the past seven years. This is more than one per cent per annum less funding growth than from the state of Queensland. If federal funding for health had kept pace with our funding growth, we would have had another $158 million to spend on health this year alone. But, as the Prime Minister said in April 2003, the states are receiving $1 billion less in funding for public hospitals under the current Commonwealth-State Health Care Agreement than under the previous arrangement.

All the money in the world cannot instantly create enough experienced, skilled and competent doctors, nurses and other health workers. It takes time to build a health work force, and the federal government allowed ours to effectively shrink by slicing medical university places in the 1990s. If Queensland's Clayton's coalition were serious about improving health services for Queenslanders instead of just playing politics, it would lobby the federal government for more university and training places for medical and health professionals.

The Productivity Commission's new health work force position paper contains some encouraging proposals but, unfortunately, contains no guarantee of extra university places or funding for Queensland medical, nursing and other health care students. Queensland is going it alone, providing $61 million over eight years for 235 new doctor training places at Griffith University. We are also offering 20 postgraduate nurse practitioner scholarships from next year. We will not give up the fight for extra dollars from the Commonwealth. What is the Clayton's coalition doing?

Our recent funding commitments to visiting medical officers, salaried medical officers and allied health staff will see new health funding rise to more than $600 million in 2008-09. In the 2005-06 budget we committed $20 million over two years for elective surgery. This built on the $110 million commitment over 3½ years, including $40 million in 2004-05. Other significant four-year funding boosts in the 2005-06 budget included a $151 million package to attack chronic diseases and their key risk factors; a $60 million package to improve cardiac services; a $62.5 million commitment towards the treatment and care of cancer patients; a $49 million package to treat renal disease; a $78 million commitment towards healthier ageing initiatives; a $65 million package to support community mental health services; and $69 million to improve Indigenous health.

I have set out those commitments in black and white so everyone understands how we have funded health. I have brought in a graph which highlights health funding from 1998-99 to 2005-06. Honourable members have only to look at this graph to graphically see what we have done in relation to the funding of health. It indicates very significantly the rapid increase in real funding—a total increase of 63 per cent. We have funded health in real terms more than any other government in the history of Queensland. We intend to continue to do that. We are closer to the national funding level than anywhere else.

Tomorrow I will table in this House a report from Peter Forster. That report will give us the blueprint to reform the health system. We have a health system that is equal to any in Australia, but there are problems in the system. Had there been an inquiry similar to the one that this government had the guts to establish in any other state in Australia, it would have found exactly the same thing. As the

former president of the AMA said, Bundaberg could have happened anywhere in Australia. There will be a minibudget on 25 October. We will continue to fund health appropriately. My amendment accurately reflects that.

Hon. AM BLIGH (South Brisbane—ALP) (Deputy Premier, Minister for Finance and Minister for State Development, Trade and Innovation) (5.49 pm): I second the amendment moved by the Premier. I second this amendment because it represents a sensible approach to what I think everybody in this House would acknowledge is a difficult and complex issue. The opposition has tonight sought to censure the government, and in my view a censure is simply not warranted in the circumstances. This government acknowledges that one of the key responsibilities of any government is the support of its health system and the health of its citizens. The Premier's amendment notes that it is this government that will respond positively and proactively by building on the reports of the Forster review and the Davies inquiry.

We established these inquiries, and the Morris inquiry before them. Who established them? This government—the Beattie Labor government. We will honour that key responsibility of government. Why can members have confidence that we will honour this commitment? Because our commitment to put funds and resources into our health system is proven with a solid track record. We have a proud record of support of more than $5.35 billion this year for Queensland Health. This compares with $3.28 billion in 1998-99—in other words, a 63 per cent increase in the term of the Beattie Labor government. I say again that it is a 63 per cent increase.

It is easy in a debate about health, which is always a big system, to bandy around huge numbers, but to put some modern-day perspective on a figure like $5.35 billion let us just consider that Senator Barnaby Joyce has been heralded by those opposite as a hero for single-handedly getting—for the entire nation, 19 million people—a $2 billion communications fund. So we have increased funding by 63 per cent and this year alone are spending $5.35 billion—that is, $5.35 billion for nearly four million people—while the mate of those opposite, 'Blow In' Barnaby, is being hailed as a hero for a miserable $2 billion for the whole country. Our 63 per cent funding growth since 1998-99 deserves recognition, especially in light of the fact that the CPI for the same time has been less than half of that at about 24 per cent. Our population of some 3.95 million people is some 14 per cent higher than it was in 1998, so to keep pace on a real per capita basis we would have needed to increase funding by 42 per cent over the past seven years. We have easily surpassed that requirement with an increase of 63 per cent in the health budget, and that equates to a real per capita increase in seven years of nearly 15 per cent.

Members present might take a moment to think of the major hospitals in this state—be it the Royal Brisbane and Women's, the Prince Charles, the PA, Cairns, Townsville, Rockhampton, Toowoomba or the Gold Coast. Throughout the state we have built many new facilities. In the 1970s and 1980s some of the buildings in Queensland's hospitals were a national disgrace—old wooden verandahs open to the elements. Members would not find them in any other state in the country, and now because of a planned program—a planned program of building upgrades—we see modern, well-equipped, world-class facilities.

I will agree, however, with the concluding remarks of the Leader of the Opposition in his contribution to the debate tonight when he said that money is not the only issue in a system like health, and he is absolutely right about that. We, as identified in the Premier's amendment, do acknowledge that challenges currently exist. Those challenges are not only financial challenges, but we are determined to fix them. Just like yesterday's efforts with electricity, it does not matter to us whether Queenslanders live in our capital city, our major regional centres or our remote and rural communities. We are there for them all.

We do have a great hospital system. We have a hospital system that is among the best in the world, but we have seen through the inquiries that there are many things that we can do to improve it, and we should strive for those improvements. This will only be advanced when those opposite stop playing party political politics and join with us in the interests of all Queenslanders to not only identify those issues which are a state responsibility—and there are many—but also identify those issues that are a national responsibility and call on Canberra for a better deal on health for all Australians, including those who live here in Queensland. That is a responsibility that is shared by everybody in this chamber, and I would hope that we would see some bipartisan support over the coming weeks as the various reports of the Forster review and the Davies inquiry inevitably come down with recommendations for what we hope will be significant improvements. In a complex system that goes across different levels of government, we need to identify those recommendations that we need to apply ourselves to and the one that John Howard needs to apply himself to.

Mr QUINN (Robina—Lib) (5.54 pm): When one underfunds an area of expenditure, they often see the effect of that underfunding in the following years. This is particularly so in an area like health, where demand for and costs of the health system are increasing rapidly, partly due to the ageing population and partly because of advances in medical technology making care not only more effective but also more costly. Also, in Queensland's case, because of a rapidly increasing population, one does not see the effect of that underfunding for many years to come.

The Premier brought in a great glossy chart showing the increase in funding in the health system in Queensland over recent years. He also made the statement this morning in the House that the ALP has taken Queensland's funding for health to the closest level it has ever been to the national funding under any government in the history of Queensland. Let us cut to the chase here and go to an independent umpire and look at the figures produced by the Productivity Commission's latest 2005 report, which compares the funding for public hospitals on a per capita basis across all of the states in Australia.

One can look at the budget figures in Queensland and interpret them in a number of ways, but go to the independent umpire. If one trusts that umpire to give an unbiased opinion of what is happening in terms of funding in public hospital systems across Australia, one will see the nonsense that the Premier and the ALP are talking about quite clearly exposed in the Productivity Commission's latest 2005 report. It shows the recurrent expenditure per person for public hospital systems across the nation. In 1998-99, Queensland per person spent a little under $700—$694.50—per person compared with the national average of $791. So Queensland spent about $100 less than the national average. At the same time, New South Wales was spending $850 per person, Victoria $764 per person, Western Australia $792 per person, South Australia $822 per person and Tasmania $667. So in 1998-99 Queensland was the second lowest in terms of per capita expenditure in public hospitals across the nation—the second lowest! If one then fast forwards to the latest figures from 2002-03, what do they find? Queensland over that period of time—that is, those four budget periods—has flatlined. It has gone from $694 to $711—a huge increase of $15 per person over the four-year period. Some $15 per person! So instead of being $100 per person behind the national average, in 2002-03 the gap had widened to $200 per person—$200 per person!

Let us look at what the other states were doing. New South Wales had moved from $850 to $933—$80 extra. Let us remember that Queensland increased by $15. Victoria had gone from $764 to $989 per person—an increase of almost $230 per person. Western Australia had gone from $792 to $864—an increase of almost $150. South Australia had gone from $822 to $904—$80 extra—bearing in mind that over that same period Queensland moved ahead by $15. If people want to see the effects of what happens if governments underfund a public health system—our public hospitals—they should look at the Productivity Commission report. If they do, they will see why we have trouble now two or three years down the track—that is, because of that chronic underfunding in the years between 1989 and 2003.

Do not believe the glossy brochures or glossy charts brought in by the Premier; go to the independent umpire. There are the facts and figures in black and white. It is undeniable. Every time there is a crisis in a particular government department in this state, what do we see? The government comes out and says how much more money it has spent. But it forgets to tell the people of this state the other circumstances in which they should look at those figures—the increase in inflation and the increase in state population figures. Queensland probably spends more on the bureaucracy than on actually delivering services in our public hospitals. That is what this document tells us. It tells us the per capita expenditure in public hospitals in Queensland compared with the rest of Australia. Look at the unbiased, independent umpire's report; do not believe what this government says, because time and time again we have found out that it has been telling everyone in Queensland the porkies for which it has become famous.

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (5.59 pm): I rise to support the amendment moved by the Premier and seconded by the Deputy Premier. The Beattie government is ushering in a new era of transparency into Queensland's public hospital system. Last Saturday both the Premier and I announced that we would be making amendments to the Public Health Bill 2005 to ensure that Queenslanders get the best deal possible from our public hospital system. This is our commitment to the people of Queensland and this will be a new era of openness and accountability.

For the first time in our history a Queensland government—in this case a Labor government—will be publishing hospital performance data each and every year. That will give the people of Queensland a public hospital system that, in time, will be more effective and more responsive to their needs. Patients will get better quality care and the public will see exactly how Queensland's hospitals are performing on an annual basis. Of course, this is not the first step that the Beattie government has taken to improve our public hospital system in Queensland. In fact, state Labor governments have a history of taking the first steps to make Queensland's public hospital system more and more effective.

There as been much talk—in fact, we have received some criticism—about our commitment to legislate for the publication of this kind of data. In fact, this morning in the House I was asked again this very question: why do we need to legislate? It is for the simple reason that, should the other side ever get into power—and God forbid they should ever get into power—we do not want them to slip and slide and back away from the necessary reforms that we are putting in place.

Let us face it: when it comes to openness and transparency, the record of those opposite is not all that flash. Just yesterday that was glaringly evident in the Davies commission when we heard about the refrigerator trolley load of documents brought in by the 'Kelvinator coalition' over there. They needed a trolley to get the data into the cabinet room. It was the most basic data of all. When every other

government in Australia was publishing waiting list data, that mob opposite refused to do that. They could not even perform to the basic standards of public accountability. Yesterday they were caught out and caught out well and truly. It took a Labor government to come to power for any waiting list data to be published.

If the member for Moggill were honest in any way, he would admit that the data that we published was nationally consistent data that was actually agreed to by a federal government—his federal government—and all the other states. That was the first time that any Queensland government had published that data. But now we are taking the publication of data to that next step. Before the end of the year people will see greater accountability—more than has ever been provided by any government—to provide the community with the information that they require. To back that up, we are legislating to ensure that, should this mob opposite ever get into power, they will not be able to dilute those necessary and important reforms that will form the basis of a more accountable 21st century hospital system in this state.

While listening to members opposite, a couple of things occurred to me. The member for Moggill claimed that it is not a shortage of doctors that is currently impacting on our health system. Yet we had the Deputy Leader of the Opposition—his leader—coming into this place saying, 'Let us look at what the independent umpire, the Productivity Commission, says in its most recent report.' The Productivity Commission says in its most recent report that there is a doctor shortage in Australia. The member for Moggill cannot have it both ways. He cannot have his leader saying, 'Let's follow the Productivity Commission's observations, except when it doesn't suit our argument.' At some stage you are going to have to face up to your own dishonesty. I hope that is in the not-too-distant future.

Mr DEPUTY SPEAKER (Mr English): Order! The minister will direct his comments through the chair.

Mr ROBERTSON: We have also seen the member's leader come into this place and talk about the alleged underfunding of health services from 1998 onwards. The member is complaining that Queensland had the second lowest state funding on a per capita basis, but which party was in government for the two previous years? Which party got us to that level? My side of politics was not in government in the two preceding years. Of course, it was the members opposite. They are responsible for putting Queensland in that disgraceful state.

Time expired.

Mr COPELAND (Cunningham—NPA) (6.04 pm): The arrogance of this government is absolutely breathtaking. It is unbelievably breathtaking that this government will treat the people of Queensland like fools. That is what it is doing. We have seen the members opposite—speaker after speaker after speaker—trying to blame the federal government, absolving themselves of any responsibility and claiming that the problems are elsewhere. The only thing that this government will not accept is that it has created the problems. Since the election of this government in 1998, the people of Queensland have seen the health system of this state crumble before their eyes.

We now have in Queensland a health system that is in serious danger. We have doctors and nurses and other staff trying their darnedest to deliver good health services in Queensland with their hands tied behind their backs. It is this government that has tied their hands. It is this government that has introduced and overseen a culture of cover-up, intimidation, bullying and, most importantly, denial, denial, denial. That is exactly what we have heard again tonight. We have heard the Premier deny that there are any problems. We have heard the Deputy Premier deny that they are the ones who caused the problem. Now we are hearing the current Minister for Health saying that it is all someone else's fault.

But let us not forget how we reached this position. The date of 22 March 2005 is going to go down in history as a very important day, because that is the day that we finally lifted the lid on the cover-up and the denial and the maladministration of this government. That was the day that we finally got through, that we could stop the lies, stop the cover-up and get some answers, because that is the day that the lid was lifted on the problems at Bundaberg Hospital and on a rogue surgeon called Jayant Patel. The member for Burnett and I raised the issue in this parliament on that day. What happened? We were attacked by the members of this government. They said that we were denying this fellow natural justice. But that was the result of years of complaints by staff at that hospital.

The opposition has gone on and on about the cover-up of waiting lists, the problems at emergency departments, the problems with cardiology services and the problems with mental health services. What have we seen since 1998? We have seen now three health ministers say that there are no problems with those services. But since 22 March when this government, because of the reaction of the public, was finally forced into instigating the Forster inquiry and the then Morris inquiry, we have finally been getting some answers.

We are finally seeing that 108,500 Queenslanders are just waiting for an appointment to see a specialist. If that figure of 108,500 people is put on top of the figure of over 33,000 people who are actually on the waiting list, we have 140,000-odd Queenslanders waiting for treatment, and 108,500 of those do not now how long they are going to have to wait just to see a specialist, just to get on the waiting list to then eventually get treatment.

I remember at last year's estimates committee hearing—we will not talk about this year's estimates committee hearing, where the former health minister got himself into so much trouble—the minister said, 'No, there are no problems. I don't know where this urban myth has come from. I know there is a notion out there about a secret waiting list.' Yes, there was a secret waiting list. It was at the royal commission of inquiry, which this government was forced to instigate, that the secret waiting list was finally exposed. For years the member for Maroochydore and other members of the opposition tried to get that information. For years this government denied that it existed. For years this government lied about the existence of the secret waiting list. Now we know.

Let us not let the government try to rewrite history about how the Forster and Morris inquiries came about. It was not because the government was noble about wanting to get to the bottom of the matter; it was because the public outcry was so great that the government could not resist holding the inquires. For a couple of weeks government members tried to do that. They said, 'We can't hold an inquiry because Jayant Patel has left the country. We can't hold an inquiry because we would be denying him natural justice. We can't do it for a whole range of other reasons.' It was only when the public outcry became so great that the government acted. When the Morris inquiry was closed down, it took another week of public outcry for the new Davies inquiry to be instituted.

This government is interested only in public relations. We all remember *The health report 2003 Queensland—the state of our state's health.* That document was written by spin doctors. There was not a real doctor in sight. Meanwhile, they are covering up the Measuring Quality reports, which are supposed to improve the quality of health services in Queensland. This government stands condemned. It has absolutely no commitment to improving the health service delivery to Queenslanders. The only thing it is concerned about is how it is going to look in the public, how the media is going to report on it. Only then will it act.

Time expired.

Mrs MILLER (Bundamba—ALP) (6.09 pm): I rise to support the amendment moved by the Premier and seconded by the Deputy Premier. While the health system in Queensland faces a number of challenges as outlined by the Premier, many have lost sight of the outstanding contribution and outcomes from health workers and clinicians in facilities across the state. The dedication, hard work, compassion and high level of health care provided to Queenslanders by the vast majority of Queensland Health workers should not be underestimated.

The statistics speak for themselves. Every single day in Queensland, 24,082 people receive outpatient clinic services; 7,053 patients are cared for in public hospitals; 3,375 people are treated in accident and emergency; 93 beautiful babies are born; 506 women are screened for breast cancer; 1,502 older people receive residential care; 1,450 adult dental appointments are registered; there are 1,730 child dental appointments; 836 school-aged children have dental treatment; 7,145 meals are delivered to people at home; and 11,263 hours of respite care are provided through respite centres or in people's homes. These figures speak for themselves.

This is just a snapshot of the work undertaken every day by dedicated health workers at approximately 200 hospitals and 21 aged care facilities throughout the length and breadth of Queensland. In 2003-04, Queensland Health provided more than 7.55 million individual occasions of outpatient services. That is six per cent higher than the average for Australia overall. Likewise, there were 721,013 in-patient admissions to public hospitals in the same year and 1.25 million emergency department presentations. Those are significant figures and clearly point to the huge task confronting Queensland Health staff and the health system in general. Despite this volume, a 2003 survey reported in the Queensland *Health Systems Review Interim Report* indicated an 89 per cent satisfaction level with their hospital stay, with 59 per cent being very satisfied.

Today on page 3 of the *Gympie Times*, which I am holding up for the benefit of the opposition, the headline reads, 'Hospital is like the Hilton'. The article quotes a patient as saying—

It was like staying at a five star hotel. I was treated like a king.

That was a reference to Gympie Hospital by a patient. Importantly, he also praised the dedication and compassion of staff during his five-day stay.

Not only is there a high satisfaction level with actual hospital stays; Queensland Health also continues to strongly contribute to improved health outcomes. For cancer alone, in the early 1980s people diagnosed were 55 per cent more likely to die within five years compared to people diagnosed in the late 1990s. Queensland's five-year survival rates for cancer are now comparable to the United States and higher than the European countries. Similarly, there have been significant improvements in health status following surgical procedures.

Despite the impressive work being undertaken in our hospitals and health facilities, Queensland Health continues to seek improvement and enhancements to quality of care and preventive medicine and activities. Headlining the ongoing quest for health care excellence has been the opening last year of the $13 million Skills Development Centre, which is one of the most comprehensive centres of its kind in the world. Much of its training equipment is not found anywhere else in the Southern Hemisphere and

sizewise it is the biggest of its kind in the world. This facility offers a huge range of learning opportunities covering everything from the technical to the sciences involved in health care. Queenslanders will continue to benefit and receive improved health care through this system.

In relation to breast screens, across the numerous preventive and early detection activities conducted throughout the state, Queensland is leading the way in breast screening. Participation for Queensland women in the 50 to 79 age group has risen from 43 per cent in 1996-97 to 59 per cent in 2002-03. That is well above the national rate.

For child immunisation, Queensland has reached the national target of 90 per cent of children under the age of two. We continue to strive to drive this percentage even higher.

In relation to smoking, this government is proud that we have the best antismoking legislation in Australia. Sadly, smoking kills nine Queenslanders every day and the cost to the hospital system directly attributable to smoking is $137.8 million a year, stemming from 168,115 occupied bed days. Queensland Health will continue to drive both educational and legislative activities to address this. Health reform is this government's No. 1 priority.

Time expired.

Mr HORAN (Toowoomba South—NPA) (6.15 pm): The boil burst for Queensland Health and this incompetent government with the absolute tragedy that has occurred at the Bundaberg Hospital. That was brought to light only because of the courage of both nurse Toni Hoffman and the National Party member for Burnett. It showed that finally the veil of fear and bullying and the cover-up by the government could be sustained no longer.

This government has been forced, kicking and screaming, into an inquiry. Last week it was forced to bring out the report that it tried to hide and cover up. From reports of the Davies inquiry we have heard things about other hospitals and mental health units along the length and breadth of the coast. If they expanded the inquiry, the complaints about all of our other hospitals would balloon into a never-ending inquiry. That is how bad this government's incompetence has been.

I want to tell this parliament about what I inherited when I became health minister in March 1996. The previous health minister was Mr Beattie, now the Premier of this state. From Mr Beattie I inherited a $38.5 million black hole. From Mr Beattie I inherited $35 million that he tried to take out of the hospital rebuilding fund and transfer into the recurrent fund to cover up that black hole. From previous health minister Mr Elder I inherited a $24 million debt that we had to repay at $8 million a year for the next three years as a result of unfunded enterprise bargaining agreements. We did an audit and found $1.2 billion of unfunded capital works promises. I well remember the Premier and former health minister Mr Beattie, the week before we came into power, doing a whistlestop tour to each and every hospital along the coast, making cruel unfunded promises to the citizens of Queensland. In all my life I have never seen anything so deceitful, cowardly and untruthful.

The most important thing that we inherited was a waiting list system that was a shambles. Our policy was to put the patient first and to fix the waiting lists. On 1 July 1996, we put in place Surgery on Time. At that time, we had inherited from the previous government a category 1 system—that is, patients who should have their operations within 30 days—where 49 per cent of patients did not have their operations in 30 days. Within 12 months, by 30 June of the next year, 98.5 per cent of category 1 patients were having their operations on time. In the next 10 months, when we went to an election, only about 20 per cent of category 2 patients were waiting for elective surgeries. Eighty per cent of category 2 patients had their surgery on time.

We put a massive $2.38 billion into the hospital rebuilding program to ensure that all our projects were completed. We started almost each and every one of those particular projects.

In the 22 months in which Surgery on Time operated and we were in power, 13,000 more operations were done on Queenslanders than had been done in the previous two years under Labor. That is the sort of thing that governments have to focus on: putting the patient first. Whether it is mental health, surgery on time, immunisation percentages, breast screening percentages and targets and so on, that is what is important.

Under the Goss government the budget estimate was $2.709 million. In 1996-97 we increased that to $3.022 million and in 1997-98 to $3.434 million. Those were huge increases, in addition to the massive increases in capital works that I have already spoken about.

In the past seven years of the Beattie government, one of the tragedies has been incompetence of management and bullying. We have heard the figures: Queensland has 20 per cent of the national population and 40 per cent of our doctors are overseas trained. This is because we have driven doctors out of our system. We have heard figures from our shadow Treasurer about how we are falling behind all the time in terms of spending on population.

However, the greatest insult to the people of Bundaberg who have been so tragically hurt by deaths, injuries and anguish is seeing our Deputy Premier stand up here tonight and say that the government does not deserve censure in this parliament. I have never heard such an insulting statement in all my life. Queenslanders realise it and they showed it in Chatsworth and Redcliffe.

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Racing) (6.19 pm): Mr Deputy Speaker, I thank you for the opportunity to enter this debate at this juncture, after listening to the hypocrisy that I have just heard from the very man who was slated at the commission of inquiry for threatening that bloke's job—

Mrs STUCKEY: Mr Deputy Speaker, I rise to a point of order. The honourable member has used an unparliamentary word: 'hypocrisy'. The Speaker has ruled on the use of that word.

Mr DEPUTY SPEAKER (Mr English): Will the minister withdraw?

Mr SCHWARTEN: I could not care less. I withdraw what the member finds offensive. The reality is that the record of the Davies inquiry stands by itself. Dr Stable made the comment that the Borbidge government, in which the member for Toowoomba South was the health minister, threatened him with the sack if he could not get $100 million worth of savings out of the system. That is what he did.

At the time we talked about the Horan tax. I remember all of those things. I remember him coming to Rockhampton and opening the mental health unit that was built by the Goss government. I remember all of those things. But what I remember best is the years of the National Party government. Members should go back through the *Hansard* and see what the Labor members had to say about the hospital system in those days. The Eventide situation in Rockhampton was a disgrace—an absolute, utter disgrace. People were living on verandas in squalid conditions. The Rockhampton Base Hospital was built in the twenties and the thirties. We had people on verandas on shot-edge flooring and things of that nature. That is what we inherited in 1989. It was a Labor government that turned it around. When this bloke came in as the minister, he came on the tail of that. It would never have changed if the Labor government had not come in in 1989.

What has been missing here tonight? It is the same thing that has been missing all the way along: any hint of policy. The reality is that we have a charter of patients rights, and I am pleased Dr Flegg is here. Let us see how honest and decent he is. Do you believe that you can guarantee that no services will ever be downgraded in any hospital in Queensland? Do you believe that? If you believe that, you believe in the tooth fairy. That is a dishonest statement.

Mr DEPUTY SPEAKER: Order! The minister will direct his comments through the chair.

Mr SCHWARTEN: My apologies. That is a dishonest statement if ever I have heard one, because what it says is that if someone wants to go on long service leave we either stop them going on long service leave or cut the service in certain circumstances. That happens every day in every industry, it does not matter where it is. It happens in the bush and it happens in operating theatres if people get crook or if people die or whatever. It takes time to get that service up and running again. Let us talk about transparency and decency. That is the cornerstone of the National Party statement of patients needs. Dr Flegg knows that that is dishonest, untrue, undeliverable and transparently so.

The fact is that not one word has been uttered tonight in terms of policy. Queenslanders are out there being harangued on a daily basis by members opposite but with no solution. Why is that? Firstly, it is because of its seven years of indolence, laziness and incapacity to get ahead of the game to come up with a health policy. That is a disgrace. After seven years there is not one policy. All they have done for the last number of months, instead of getting out there and putting together some policy, is just harangue. That is all they have done for the whole period.

Queenslanders deserve better. They deserve to see the colour of their money. They say that it is not about money. We have just increased the pay for our doctors in Queensland. We have doubled the salaries in some cases, as I understand it—the same sorts of salaries that were around when Mr Horan was the minister. It was the same argument back then. We inherited right back to the Joh days underfunded services right across-the-board. Whether it is Education, Disability Services or Health, they were all rock bottom—the worst in Australia—and we as a Labor government have been expected to overcome that overnight. The reality is that most Queenslanders know that is simply not possible.

No-one here is in denial at all. Why do those opposite think we had a royal commission? Why do they think the Premier has done the biggest overhaul of the health system ever? No-one is in denial at all and only a fool would believe that there are not problems there. As the member for Bundamba pointed out, tell the 950 mothers every day in the Queensland health system that it is a shambles, that it is a disgrace. Show me any medical system in the world that has that sort of recovery rate as an output. It is dishonest in the extreme to suggest that we have a Third World system. If anybody suggests that we have a Third World system, they have never been to a Third World country—

Time expired.

Question—That the Premier's amendment be agreed to—put; and the House divided—

AYES, 46—Attwood, Barry, Beattie, Bligh, Boyle, Briskey, Choi, E Clark, L Clark, Croft, Cummins, N Cunningham, Fenlon, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Lucas, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Poole, Purcell, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Stone, Struthers, C Sullivan, Wallace, Wells, Wilson. Tellers: T Sullivan, Reeves

NOES, 23—Caltabiano, Copeland, E Cunningham, Flegg, Foley, Hobbs, Horan, Langbroek, Lee Long, Lingard, McArdle, Messenger, Pratt, Quinn, Rickuss, Rowell, Seeney, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Rogers

Resolved in the **affirmative**.

Mr DEPUTY SPEAKER: For further divisions on this matter, the bells will ring for two minutes.

Question—That the motion, as amended, be agreed to—put; and the House divided—

AYES, 46—Attwood, Barry, Beattie, Bligh, Boyle, Briskey, Choi, E Clark, L Clark, Croft, Cummins, N Cunningham, Fenlon, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Lucas, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, Nuttall, O'Brien, Palaszczuk, Pearce, Poole, Purcell, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Stone, Struthers, C Sullivan, Wallace, Wells, Wilson. Tellers: T Sullivan, Reeves

NOES, 23—Caltabiano, Copeland, E Cunningham, Flegg, Foley, Hobbs, Horan, Langbroek, Lee Long, Lingard, McArdle, Messenger, Pratt, Quinn, Rickuss, Rowell, Seeney, Simpson, Springborg, Stuckey, Wellington. Tellers: Hopper, Rogers

Resolved in the **affirmative**.

Sitting suspended from 6.37 pm to 7.30 pm.

CHILD PROTECTION (RECOGNITION OF RELATIVE CARERS) AMENDMENT BILL

Second Reading

Resumed from 24 August (see p. 2742).

Mr WELLINGTON (Nicklin—Ind) (7.30 pm), continuing: In just over 10 minutes all members of this parliament will have the chance to vote on this bill. I urge government members who support the intent of the bill, but who have been prevented from crossing the floor and voting with us, to show their support by abstaining from the vote. Do not vote, members of the government! This is one time when I believe that many Queenslanders who support this legislation will understand the difficult predicament government members are in because their party has refused them the opportunity to have a conscience vote. However, they can show their support for the bill by abstaining from voting.

I invite those government members to quickly call a Labor Party meeting. Have a debate about the Labor Party policy on perhaps the grandparent support package, but do not come back into this chamber until after the vote has been taken. They should watch the vote being taken on the TV monitor in their office. I know that all members on this side of the chamber and supporters in Queensland will be thinking of the government members shortly.

To the government, which has argued that this is a federal government responsibility, I say that everyday local councillors work in partnership with the state government departments helping fund works and programs that are technically solely the state government responsibility. The councillors do this because it is the right thing to do, not because they have to do so by law. I say to the government members: have some vision. Look at these successful partnerships where everyone joins in sharing the load. I say to the government members who have spent time on local councils to reflect on their earlier days when they found ways to assist in funding federal and state government programs simply because they thought that it was the right thing to do. This bill is sound and is possible. Minor amendments and regulations could make it a reality in Queensland. This could be an Australian first!

The member for Burdekin, Rosemary Menkens, and the member for Southern Downs, Lawrence Springborg, spoke about reservations on aspects of this bill. I invite each of these members, as part of the alternative government, to show us their policy and detail it so all Queenslanders can consider it, just like they considered our proposal.

I thank the member for Springwood, Barbara Stone, for sharing part of her private life with us. She can be justly proud of her contribution to this debate. To the member for Noosa, I simply say that part of her contribution is not worthy of a response. I say no more.

To my colleagues the member for Gladstone, Liz Cunningham, the member for Nanango, Dorothy Pratt, the member for Maryborough, Chris Foley, the member for Tablelands, Rosa Lee Long, and the member for Caloundra, Mark McArdle, on behalf of all Queensland grandparent carers or relative carers and supporters of the intent of this bill, thank you for taking the time, for getting involved and for supporting this important bill in so many different ways. Many grandparent carers and relative carers have told me by phone, fax, email and in person that they will not forget.

I also put on the record my appreciation of the effort that those members went to in preparing, at very short notice, lengthy speeches on an earlier bill when it appeared that the government may have brought forward the debate on this grandparent carers bill. Again I thank the members for their efforts.

Finally, my thanks also go to the Maroochy Mayor, Councillor Joe Natoli, who has been working very hard behind the scenes networking with his local council colleagues throughout this great state of Queensland gathering support for this bill. I thank Joe for his help.

For the benefit of government members I now table 15 pages from the current New South Wales Department of Community Services report in which the New South Wales Director-General, Neil Shepherd, recently said—

Research shows that when children can't live with their parents they usually do better if they can be cared for in family settings such as relative/kinship or foster care. All carers provide a vital role in ensuring that children get the love and care they need when they can't live with their parents.

Recently we—

the New South Wales government—

have been looking at ways to improve our support to carers and this letter signals the first of these changes.

My challenge to the Beattie government is: why not let Queensland be the first? Queensland can be the first. Earlier tonight we heard about the fact that Queensland was the first in Australia to implement the Vexatious Proceedings Bill. Surely it is more important that Queensland is the first state in Australia to implement the rights of grandparent carers, relative carers and Queensland children than it is to be the first state in Australia to implement the Vexatious Proceedings Bill.

I table a further petition containing another 73 signatures of supporters of this bill. Mr Deputy Speaker, I remind all members that at the moment the only way Queensland grandparent carers can receive state government assistance is to hand their grandchildren over to the Department of Child Safety, have them declared a ward of the state of Queensland, apply to become a foster-parent, hope their application to be a foster-parent will be successful, and then hope and pray that at some time in the future they will be reunited with their grandchildren. There is no justifiable reason why this bureaucratic and legalistic process should still apply today in the year of 2005.

I believe we in Queensland, in the 51st Parliament, can do better. Support for this bill, either in its current form or in an amended form, will be a significant improvement in the lot of our Queensland grandparent carers. I urge all members to, please, support the bill, support the intent of the bill. To government members, if they are inclined: please take up my challenge. There is still time. Call an urgent Labor Party meeting to discuss forming a new policy for future Queensland grandparent carers, relative carers and Queensland children. I commend the bill to the House.

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

AYES, 22—Caltabiano, Copeland, Flegg, Foley, Hobbs, Horan, Langbroek, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, Rogers, Rowell, Seeney, Simpson, Stuckey, Wellington. Tellers: Hopper, Lee Long

NOES, 47—Attwood, Barry, Barton, Beattie, Bligh, Boyle, Briskey, E Clark, L Clark, Croft, N Cunningham, English, Fenlon, Finn, Fraser, Hayward, Jarratt, Keech, Lavarch, Lawlor, Lee, Lucas, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, Pearce, Poole, Purcell, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, C Sullivan, Wallace, Welford, Wells, Wilson. Tellers: T Sullivan, Reeves

Resolved in the **negative**.

PENALTIES AND SENTENCES (SENTENCING ADVISORY COUNCIL) AMENDMENT BILL

Second Reading

Resumed from 11 May (see p. 1319).

Hon. LD LAVARCH (Kurwongbah—ALP) (Minister for Justice and Attorney-General) (7.43 pm): The member for Caloundra introduced the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2005 as a private member's bill on 11 May 2005. The stated purpose of the bill is to amend the Penalties and Sentences Act 1992—which I will refer to hereafter as the PSA—to allow the Queensland community an input into sentences and penalties imposed on convicted criminals through the creation of a sentencing advisory council. The member for Caloundra's proposal would create a new and expensive body to do the job of the courts and the parliament. The government opposes the bill as it is unnecessary and fundamentally flawed. It is unworkable in the context of current sentencing practices and fails to recognise that it is the role of the elected parliament to determine the appropriate sentencing framework for our courts to work within.

It is obvious that the bill has been modelled on existing provisions in the Victorian Sentencing Act 1991. However, there are some important distinctions with the Victorian act, most notably the fact that the Victorian council's major function is to inform the Court of Appeal of its views while the court is exercising its functions in relation to a guideline judgment, not to tell the court how to interpret the Penalties and Sentences Act. For this reason alone, the member for Caloundra's bill is fundamentally flawed. The Queensland community already has an input into sentencing through the framework offered by the Penalties and Sentences Act, the maximum penalties applying to offences and the ability of the Attorney-General to appeal inadequate sentences to the Court of Appeal. It is the government's view that it should be the function of the Penalties and Sentences Act—not an unelected council—to reflect the community's expectations on the purposes of sentencing and principles to be applied.

We all agree that, in sentencing an offender, the punishment should fit the crime and the circumstances of the offender, as much as is possible. The courts are provided with guidance in sentencing by the purposes of sentencing set out in section 9(1) of the PSA. Section 9 states that the purposes of sentencing are to punish, to provide conditions for rehabilitation, to deter the offender and others from committing the same or similar crimes, to make clear that the community, acting through the court, denounces the conduct, and to protect the community from the offender. Section 9 also contains detailed sentencing principles set out in section 9(2) to 9(6). The court is also guided by the maximum penalty set by parliament for the offence as an indication of where the offence sits in the hierarchy of relative seriousness.

Queensland's Penalties and Sentences Act sets out the objectives of sentencing, identifies mitigating and aggravating factors, and provides guidance on the means of determining offence seriousness through detailed sentencing principles. To give a recent example, this government has removed the principle of imprisonment as a last resort for offenders convicted of sexual offences against children under the age of 16 years. The court must sentence in accordance with that principle. The sentencing function is a judicial function and, under the doctrine of the separation of powers, it must be kept separate from interference by government. However, it is the community through this parliament which sets out the framework within which this judicial function is performed by deciding what conduct is criminal conduct, what penalty should attach to the conduct and what principles should be applied in sentencing offenders.

How does the member for Caloundra's bill fit with that sentencing framework? Under this bill, the sentencing advisory council's most important function would seem to be that of directly advising the Court of Appeal in relation to the application by the courts of the sentencing guidelines and principles set out in section 9 of the Penalties and Sentences Act. However, the giving of that advice is not linked to any particular case or matter before the court. It is also not clear from the bill what the court is obliged to do once it receives that advice, as the court is given no indication of how it is to use the information given to it by the council. Indeed, the member for Caloundra stressed in his second reading speech that the council is not in place to make judgments on individual cases. The member for Caloundra has also missed the point that in Victoria the Sentencing Advisory Council was created in conjunction with the introduction of guideline judgments. We do not have a formalised guideline judgments system operating in Queensland and the member for Caloundra has not suggested introducing one. Instead, under the bill we have the council advising the Court of Appeal in relation to the application by courts of the sentencing guidelines and principles set out in section 9 of the PSA.

The member for Caloundra does not understand that the function of the Court of Appeal is to hear and determine specific matters. The court does not have the power to receive information that is unrelated to any matter before it, nor does it have the power to make general pronouncements that are unrelated to any specific matter before it. By contrast, under the Victorian act the council's advice to the Court of Appeal is triggered when the court is exercising its statutory functions in relation to issuing guideline judgments. Importantly, in Victoria the council does not give advice to the Court of Appeal unless the court has unanimously decided to issue a guideline judgment. Unlike the member for Caloundra's bill, the Victorian council does not tell the Court of Appeal how to interpret legislation.

New South Wales also has a sentencing council created under the Crimes (Sentencing Procedure) Act 1999. The role of the New South Wales council is to provide advice to the Attorney-General with respect to matters suitable for guideline judgments and the submissions to the court to be made by the minister in guideline proceedings. Again, the New South Wales council does not give advice directly to the Court of Appeal, nor does it tell the Court of Appeal how to interpret legislation. Apart from the limited utility in offering advice to the Court of Appeal that is not related to any particular matter before the court, offering direct advice to the Court of Appeal in relation to the application by courts of the sentencing guidelines and principles set out in section 9 of the PSA represents an unacceptable interference with the role of the courts to interpret legislation.

In his explanatory notes the member for Caloundra says that the amendments would allow community input into sentencing as a whole and that it introduces a permanent mechanism to ensure that sentencing guidelines reflect and remain linked to community values and expectations. It is already the function of the Penalties and Sentences Act to reflect in legislation of elected members of parliament the community's expectations on the purposes of sentencing and the principles to be applied. The parliament can alter those principles by legislation, as it has done so in removing the presumption that prison is a sentence of last resort in relation to child sex offenders.

The purpose of the Penalties and Sentences Act is to set out a framework for the sentencing of offenders. It offers guidance to courts but it does not interfere with the sentencing discretion applied to individual cases. Another way in which the community through the legislator offers guidance to courts is by setting the maximum penalties for offences. For example, this government has substantially increased the maximum penalty applying to offences of indecently dealing with children under the age of 16 to ensure that sentences imposed on child sex offenders reflect the significant physical and psychological consequences of these offences and in response to community concerns about inadequate sentencing for these crimes.

Finally, the community's input is reflected in the ability of the Attorney-General to appeal to the Court of Appeal and seek higher penalties. The previous Attorney-General successfully appealed a number of sentences to the Court of Appeal. As I have noted, Victoria recently created a sentencing advisory council in a similar manner to that proposed in this bill. The creation of this sentencing advisory council in Victoria was done in conjunction with the introduction of guideline judgments. It is also crucial that the establishment of the council is viewed in the context of the rest of the Victorian sentencing act. Section 5 of the Victorian act sets out sentencing guidelines. However, it does not set out as detailed a list of factors as does our section 9 in the Queensland Penalties and Sentences Act, nor does it specifically legislate the approach to be taken for sexual or violent crime as does the Queensland PSA. For example, the Victorian act states that a court must not impose a sentence that involves the confinement of the offender unless it considers that the purpose for which the sentence is imposed cannot be achieved without the confinement of that offender.

Mr LANGBROEK (Surfers Paradise—Lib) (7.54 pm): I am very happy to rise to speak on this very important bill. I certainly hope that members opposite can find it in their political souls to do something that is important for the state of Queensland. This bill does a very good job of treading the fine line between maintaining the legitimacy of the judiciary and not encroaching on its role as the independent arbiter of matters.

The courts are set up under the Constitution or other pieces of legislation and in the end, at a more abstract level, one could wonder how the courts somehow maintain their power when all they represent is an instrument of statute. The answer is that they maintain their legitimacy by being relevant and handing down judgments that, in the end, reflect the views of the community. This is represented in the intention behind the Penalties and Sentences Act and other acts of this nature.

Moreover, this is the role that the judiciary has in the separation of powers. We are here in this House and the executive and their role in this place is to be voted in by the public. In the end, aside from all the politics and everything else, it is our job to gauge public opinion and do what they wish. It is the job of the judiciary to be aside from all of that and to make decisions that are in line with public opinion by making incremental changes to the law based on what they feel is appropriate at the time.

I do not understand any objection to this bill. This bill simply galvanises that outline of the judiciary that has been set out in centuries of tradition in our form of government. The bill does not take the discretion away from the judiciary to take into account the wide range of circumstances that must be taken into account in sentencing. There is no provision in here that sets out minimum sentence and there is no provision that says that certain things should be overlooked in favour of an arbitrary sentence. Rather, this bill puts together a solid mixture of 10 people as representatives of the community with varying experiences to advise the courts as to what sentences should be. These groups would provide a yardstick for the courts to go by for certain crimes. Any objection to this bill only hinders the judiciary's ability to do their job to the best of their ability.

In recent times there have been a number of cases where the courts have come under attack for being too soft and for handing out sentences that do not befit the crime. From time to time this could be because the reporting of these incidents is not accurate and all of the factors that come about in the mitigation of the sentence are not reported, resulting in the sentence being shorter than the average person would have suggested or expected. An element of community consultation adds legitimacy to these sentences and, at the same time, educates the community about all that goes into a sentence and how the process is not as mechanical as one may think it is; there is no join-the-dots program for taking away someone's liberty for wrong they have done in the community. As I have said in this place before, justice must not only be done but also be seen to be done. Here is an opportunity to help the courts be confident in their decisions and for justice to quite clearly be seen to be done. I commend the bill to the House.

Dr FLEGG (Moggill—Lib) (7.57 pm): It gives me great pleasure to rise and speak in support of the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill put forward by my colleague the member for Caloundra. The advisory council that this bill envisages comprises a cross-section of people with legal and community backgrounds: two persons with broad experience in community issues affecting courts, a person with experience as a senior member of the academic staff of a tertiary educational institution, a person who is a member of a victim of crime support or advocacy group, a person who is highly experienced in prosecutions, a person who is highly experienced in defence and three but not more than six persons who are experienced in the operation of the criminal justice system.

The role that is envisaged for the sentencing advisory council falls under a few different headings. I notice the Attorney-General concentrated on its role of advising the Court of Appeal. She is correct that this is part of the intent of the bill. It also has a wider application, and that includes providing statistical information on sentencing to members of the judiciary and other interested persons because the operation of the criminal justice system is of wide and deep concern within our community. It also has a role to conduct research and gauge public opinion on sentencing matters. Outside of possibly health matters, very little generates more interest in the media and the public than crime matters and the punishment for crime. Studying and having information available not just to the judiciary but also to other

people who are concerned and involved in the community is a worthwhile objective. Its further role is in consulting with government departments, other interested persons and bodies as well as the general public and to advise the minister and, therefore, the government of the day on sentencing matters.

There is certainly strong precedent in other states and other countries for this sort of a measure. I guess the question that we should be asking is: is there a need for such a measure in Queensland? It certainly has been found in other jurisdictions that there was a need for this sort of advisory role and this sort of research role into sentencing, community expectations and so forth.

From time to time in our community there are occasions on which there is absolute outrage, generally at the leniency of sentences applied to people for quite repugnant crimes. There is a very strong need for the community of Queensland to have confidence in our criminal justice system and confidence that if they or their families are the victims of some sort of crime appropriate punishment will be meted out if somebody is convicted.

I know from many years in medical practice, where one is frequently called on to treat the victims of crime—some from a bit of a pub brawl on a Friday night and on the Saturday morning you put the stitches in them, but tragically some of them much more severe than that, including murder and some very severe disabilities resulting from particularly violent crime—there is invariably anguish from the families of people that I have encountered in these circumstances about what has been done unlawfully to the member of their family and questions about whether the justice system has effectively dealt with the prosecution process in the first instance but more particularly the sentencing process.

The law should not be remote from the people. The Attorney-General's argument—that we are the fountain of all wisdom because we are elected to parliament and that the people should forget about sentencing and just let the members of parliament determine what is appropriate in the sentencing act—unfortunately is very removed from the general community. I think it is very important that the community is able to have input to the Attorney-General and to the judicial process as to their expectations for appropriate punishment of crimes.

The Attorney-General referred to the bill as being unworkable and fundamentally flawed. I had a sense of deja vu when I heard that because I have heard that expression trotted out here on a number of occasions when good, sensible legislation has been introduced by a member on this side of the House. In fact, it is a bit of a catchcry every time legislation is introduced from this side of the House, the obvious implication being that only the government is capable of assessing the needs of the community and producing workable legislation. The government does not have a mortgage on community values, and certainly in other jurisdictions the need for this sort of input from the community into sentencing has been well established. The member for Caloundra is well aware of that demand from the community. He is deeply concerned that the community's wishes should have an avenue to be considered in the judicial and the political process, and he has formulated this very sound policy. I am glad to support it wholeheartedly.

Mr SHINE (Toowoomba North—ALP) (8.03 pm): It is a concern to hear the Liberal Party putting up this bill tonight. It is, in all respects, trying to out-National the National Party in terms of this type of proposed legislation. It reminds me of the federal Liberal Party's reliance on focus groups to come up with whatever policies the Howard government adopts from time to time. Whatever the community is thinking at the time is the appropriate law to be enacted. It is not a question of what is good law or what is justice; it is a question of what the public opinion is at the particular time. I see great worries in the trend that the Liberal Party is adopting here. One would expect it from the National Party, but one would expect something better from the Liberal Party—particularly from the shadow Attorney-General, who is a member of the legal profession.

It is a great pleasure that I have to rise to oppose the bill that he has put forward to the House. Amending the Penalties and Sentences Act to establish a sentencing advisory council could seriously compromise the discretionary powers of the judiciary. This is supported by comments made in *Alert Digest No. 6 of 2005* by the Scrutiny of Legislation Committee. It states that the function of the sentencing advisory council is to state in writing to the Court of Appeal its views in relation to the application by courts of the sentencing guidelines and principles in section 9 of the Penalties and Sentences Act. This could be interpreted as an attempt to instruct the courts on what the council considers to be the public's expectations of sentencing, placing the courts under moral pressure to at least partly assimilate the council's views into their practice.

The idea that the council would provide statistical information on sentencing including sentencing practices to members of the judiciary and other interested persons is problematic at best. If this statistical information is used to put pressure on sentencing judges to have their sentences accord with statistical norms rather than individual circumstances and natural justice, the consequences could be severe.

Courts are given discretionary powers to measure an offence, taking into account the circumstances in which it is committed. There is a risk, in considering the views of a statutorily

established body, that the process could be undermined. In the view of Sir Anthony Mason, the former chief justice of the High Court—

Legislatures, in generally leaving courts with that discretion, have recognised that like offences, by reason of differing circumstances in which they are or may be committed, may merit differential treatment by the courts simply because the different circumstances may reveal varying degrees of moral responsibility or blameworthiness.

Proportionality of the sentence to the circumstances of the offence is one of the central tenets of the sentencing and criminal justice system in Australia. It is a very real possibility that the establishment of a sentencing advisory council would present the Queensland legal system with all of the negative outcomes of mandatory sentencing since the council's pressure might result in predetermined sentences, a reduction in discretion and proportionality and the effective denial of natural justice. Mandatory sentencing, in addition to having had severe consequences for individuals, has destroyed public confidence in the legal system. The proposed introduction of a sentencing advisory council makes the assumption that judges do not currently take sufficient account of community views and expectations in sentencing. However, a kind of guideline judgments are issued by the Queensland Court of Appeal to reflect community views, such as reported in R v Bryan [2003] QCA 18. It states—

The only way courts can preserve the right of citizens to use public areas in going about their own affairs is by imposing severe punishment on those who perpetuate crimes such as these.

The court can, and does, override sentencing decisions if it feels they do not meet community expectations. For example, in R v Wilde [2002] QCA 501 the Court of Appeal states—

What is abundantly clear is that the community expects, and rightly expects, appropriately deterrent penalties, and they were not achieved here.

If committee pressure is brought to bear on sentencing, the result may be an increase in the number of sentences that are effectively predetermined. This means both a displacement of discretion and a decrease of proportionality. A reduction in sentencing discretion for judges may result in an effective transfer of that discretion to police and to prosecutors, as occurs under mandatory sentencing. If the type of sentence to be issued in a case is effectively predetermined by committee pressure, it is up to police and to prosecutors and not to the judge to decide whether a person will end up in prison—that is, whether they will be charged. This exercise of discretion by police or DPP is significantly less open to scrutiny than judges' decisions, which may be appealed. Particularly with guideline judgments, a judge is required to be more than a mere technician; rather, he or she must take an active role in determining the penalty to be applied.

The required element of proportionality is reduced if a sentence must accord with the dictates and requirements of a committee. Crimes and criminals are not homogenous and general in nature. Usually the most severe penalties are reserved for the most severe crimes. If a sentencing committee exerts pressure to have sentences toughened, the result will be longer sentences for less serious offences. This in turn reduces the distinction between more and less heinous crime and results in offenders serving jail time for trivial offences. Proportionality has been endorsed as a fundamental principle by the High Court in a number of cases such as Veen v R (No. 2) (1988) 164 CLR 465. In general, the principle of the separation of powers necessitates that the judiciary has a degree of freedom from parliamentary control.

There must be a limitation in the degree to which judges are pressured by the legislature and by committees such as the one proposed to modify their sentencing practices, even in the general instance. The sentencing function is a judicial function and, as such, should be administered by judicial officers subject to the relevant law. The community has input into sentencing by means of parliament determining the nature of and penalties attached to a criminal offence. A non-elected council does not have any more legitimacy in representing community expectations than a court sentencing in accordance with the existing Penalties and Sentences Act. Finally, the honourable member for Surfers Paradise said in his contribution that in all instances judges should really follow the community's views. Of course, judges are sworn to do justice according to law, and that is not necessarily always in line with the views of the community.

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (8.11 pm): I am pleased to rise to lend support to the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2005, which was so ably introduced by the member for Caloundra. I congratulate the member for Caloundra on his initiative in introducing this bill. On behalf of the National Party, I am only too pleased to lend support to that bill on the part of the member for Caloundra. I think the member for Caloundra deserves congratulation, because he is reflecting what the community believes needs to be done. That is the core role of every member of this House, irrespective of the position they occupy. It is a core function of every member in this House to reflect what the community needs to see to be done in terms of the public institution of which we are a part. That may well be reflecting the needs of a member's constituency or it may well be reflecting the needs and the aspirations of the broader community. I think that in this regard the member for Caloundra, by introducing this bill, is reflecting the needs and the beliefs of the broader community.

In that respect, I want to say that I was appalled by the contribution of the member for Toowoomba North, which immediately preceded my contribution. Basically, the member for Toowoomba North said that we should ignore the community—that somehow what the community wants does not matter, that it should be ignored and that it is not the basis upon which we act or that the courts should take heed.

Mr Horan: Even the focus groups, if you listen to him.

Mr SEENEY: Yes, that is right. As the member for Toowoomba South pointed out, the member for Toowoomba North even rubbished the fact that we have focus groups in order to listen to the people. That is the very core of democracy. That is the core role that the honourable member has. He does not understand that. In his arrogance he seeks to suggest that that role should be ignored.

Mr SHINE: I rise to a point of order. I am highly offended by the allegation of arrogance on my part. I ask my friend to withdraw.

Madam DEPUTY SPEAKER (Ms Jarratt): Will you withdraw?

Mr SEENEY: I withdraw, but I say to the honourable member for Toowoomba North that the fact that he does not understand what is a basic tenet of his role is very much a contributing factor to the fact that his career in this place will be short. I am sure that the people of Toowoomba North will elect somebody who will come to this House and put forward their views and seek to have their aspirations met.

I know that, in the electorate of Toowoomba North, just as in the electorate of Callide and in so many other electorates throughout the state, people are concerned about the fact that the courts impose sentences that are out of step with community expectations. Any number of examples have caused an enormous amount of community anguish, an enormous amount of concern and even a political backlash. If we considered the history of Queensland politics over the past 10 years or so we would realise that one of the major contributors to the antiestablishment, or the antipolitician, backlash was this idea that the courts were not properly reflecting or meeting the expectations of the people they serve. Just as this House is the people's House and we represent the people, the courts exercise whatever authority they have on behalf of the people of the community—the people whom the member for Toowoomba North represents, the people whom I represent, and the people whom Madam Deputy Speaker represents.

The courts do not act in isolation. The legal profession does not have a holy right to act in isolation from the community. It acts on behalf of the community. It has a responsibility to meet the community's expectations. Community expectation is so much more important than the opinions of the member for Toowoomba North and other members who are also members of the legal profession who, no doubt, will stand in this place and seek to pour scorn on this bill and what it seeks to achieve. This bill deserves support because it seeks to address that concern. It seeks to ensure that the courts meet the community's expectations, which are to ensure that the sentences that they hand down are in line with the community expectations for people who have committed such offences.

The explanatory notes that were circulated with this bill outline that the bill seeks to set up a sentencing advisory council. That council will become the mechanism through which the community can have an input or a guiding hand, if you like. The council will serve as a connection between the community and the legal profession and the judges who hand down the sentences in the court. It is far too easy for judges to lose contact, to become remote from the communities on whose behalf they exercise the power that they are given, just as it is far too easy for members of parliament who sit in this House to become remote, to become disconnected from the people they serve and on whose behalf they act—and in the time that I have been in this House I have seen plenty of examples of members becoming disconnected from the people they serve. Those people have exacted retribution on them.

Unfortunately, the people do not have the same direct opportunity to exact retribution on those members of the judiciary who do not meet their expectations. I am not suggesting that they should. In other places in the world judges are elected. They are subject to that democratic process. But this proposal that is before the House tonight will provide an opportunity for the community to have an input through the sentencing advisory council and ensure that the courts are aware of the community's expectations. This bill illustrates the philosophical differences that exist between this side of the House and the government. The government likes to exclude the community. The Labor Party philosophy is to exclude the community.

We believe in involving the community. We believe in giving the community an input into a whole range of public institutions. We believe in giving the community a say and a controlling influence in how those public institutions discharge their duties. We believe absolutely in giving the community some influence in how those public institutions discharge their respective powers.

In the last couple of days in the parliament we have heard the health minister make much of the fact that the Labor government got rid of community hospital boards and he claimed that as a great success. That is another example of how only we on this side of the House believe that the community

should have an input. We believe that the community should have input into things like the way that hospitals are run. The debacle that we saw in Bundaberg would not have happened had there been a community hospital board.

We believe that the community should have an input into the way that the courts are run and sentences are handed down. If the community had an input into the way that the courts were run, we would not have seen the groundswell of anger that there has been in Queensland politics in the past 10 years. We would not have seen the great antiestablishment movement of the past 10 years because the community felt removed. It felt disconnected from a whole range of public institutions, one of which was the courts. People lost confidence in the sentences that the courts were handing out to those who committed crimes in their communities.

In the very short time left to me, I say that these issues are particularly important in the regional communities that I represent, because people in regional communities are much closer to those institutions. They are much closer to the people who commit crimes and who are sentenced for them. One cannot be anonymous as one can be in larger communities. This is a huge issue right across Queensland, but it is an especially important issue for smaller regional communities. I urge every member of the House to support the great initiative brought in this evening by the member for Caloundra.

Time expired.

Mr WILSON (Ferny Grove—ALP) (8.21 pm): It is my pleasure to stand and firmly oppose this bill. In doing so, I expressly rely upon the extensive arguments so well put by the Attorney-General against the adoption of this bill. In my view, the bill is based upon the same type of sentiments that underline the opposition's frequent calls for mandatory sentences. Queensland has a well-balanced sentencing system made up of many very important parts.

One important part that I would draw to the attention of the House is the power of the Attorney-General under the criminal law to appeal to the Court of Appeal against a sentence that may have been handed down by a lower court. That power has been exercised quite frequently in recent years. Since the Beattie government took office, an average of 32 appeals have been made by the Attorney-General to the Court of Appeal to challenge sentences. That is nearly three a month. That key facility is available in this state. No doubt members opposite have well researched their proposition and would know that it is not always available and if available it is not much exercised, if at all exercised, in any other state in Australia. That is a key vehicle by which the community's expectations, understood through this parliament and exercised by the Attorney-General, can be communicated to the higher courts.

In Queensland, the sentencing principles reflect and respect the fundamental constitutional principle of the separation of powers—the executive from the legislature and the judiciary. The Chief Justice of Queensland, His Honour Chief Justice de Jersey, spoke very well at a recent public meeting of the Australasian Study of Parliament Group here in Queensland.

The underlying sentiment of this bill appeals to the same sort of sentiment associated with mandatory sentencing. It appeals to the populism of some in the community seeking heavier and heavier sentences of imprisonment for crimes.

This parliament is the supreme governing authority in the state. The views of the state are expressed in this place and reflected in the criminal law that applies for sentencing purposes. Whilst we in this place respect the variety of views that people have, for example that there is inadequate attention paid to sentencing in the court system, this is where the community expresses its views. It is through decisions of this place, through legislation, that guidance is given to the judiciary.

I conclude by placing on record a somewhat lengthy extract from a publication that I have recently read, which I think is worthy of reflection by members in this place. I would invite members of the public to seriously consider the views that I am going to put on record. I refer to an autobiography by Chester Porter QC, who has just—

An honourable member interjected.

Mr WILSON: Yes, I thought that the member might have been. Recently he retired from practice in New South Wales. He was a distinguished and eminent barrister in New South Wales. I happened to know him for a very brief time when I was first at the bar in New South Wales. He was the leader of the floor on which I commenced practice some considerable years ago. At that time, I was impressed simply by the fact that this man went to the bar four years before I was born. Therefore, even at the time that I was at the bar he had been practising for many years and had acquired quite a distinguished record.

Chester Porter retired after 57 years in practice at the bar in New South Wales, having successfully defended Detective Sergeant Roger Rogerson on a bribery charge and Judge John Foord, who was accused of attempting to pervert the course of justice. He was counsel assisting the royal commission into the convictions of Lindy and Michael Chamberlain and counsel assisting the Blackburn royal commission into corruption in the New South Wales police force. He appeared for the New South Wales Minister for Environment before the ICAC inquiry into the Metherell affair in 1992.

His observations warrant consideration and reflection by people in this place, because he spent his time in the criminal law acting for the prosecution and the defence. He is one of the most eminent practitioners, along with AB Shand and many others in New South Wales. In his publication *Walking on Water: A Life in the Law*, he says on page 96—

In recent years there has been a great agitation in the media for longer and tougher sentences. Victims of newsworthy crimes are asked whether the sentence imposed was enough and of course, according to them, it never is. People who drive home after quite a few drinks demand higher sentences for drunken drivers, until they are caught themselves. People who live dissolute and selfish sexual lives can nevertheless demand enormous sentences for sex offenders who infringe the criminal law. Of course, adultery and desertion of wife and children are not criminal offences, even though such conduct often causes much more harm in the long term than many criminal offences.

There is so much hypocrisy about sentencing criminals. How many drivers have not committed the offence of driving above the limit for alcohol and causing deaths, only because they were lucky? How many people have 'borrowed' money from various funds contrary to the criminal law—

particularly in business, I should add—

but have got it back in time, or have otherwise never been discovered? How many people have lost their tempers, but through good luck no serious injury resulted?

Instead of remembering Christ's admonition 'Let he who is without sin cast the first stone', the voters of today are apparently prepared to cheer on the politicians who advocate tougher sentences, even mandatory sentences, to be imposed regardless of the circumstances. Some politicians even begrudge the prisoners having television in their cells, and describe barbaric prisons as 'hotels'.

Thus we build more and more brutal prisons which are highly successful as universities of crime, which ruin the lives of persons who are not dedicated criminals and which fail dismally as places of rehabilitation, and fail even more as the means of deterring or preventing crime.

Sex offenders are not infrequently the victims of extreme sentences, at times more than they would receive for murder. Such sentences obviously encourage such offenders to kill their victims to avoid detection.

I have often said that I stood between people and what they deserved. No-one wants to receive their just desserts, but, of society's scoundrels, only those who happen to contravene the criminal law and get caught get their just desserts at the hands of the law. In my opinion, they often receive punishments far beyond what they deserve. And the rest advocate more severe penalties. What hypocrites we are, led by the nose by cynical politicians!

I rest my case.

Mrs STUCKEY (Currumbin—Lib) (8.29 pm): I rise in the House tonight to support the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill introduced by my colleague the honourable member for Caloundra and shadow Attorney-General and shadow minister for justice. The object of the bill is to amend the Penalties and Sentences Act 1992 to allow the Queensland community an input into the sentences and penalties imposed on convicted criminals through the creation of a sentencing advisory council. This is a commendable step, and I congratulate the honourable member for bringing this important bill into the House. I remind honourable members that the proposed functions of the council are to state to the Court of Appeal its views in relation to the application of the sentencing guidelines and principles, to provide statistical information on sentencing to members of the judiciary and other interested persons, to conduct research and gauge public opinion on sentencing matters, to consult with government departments, other interested persons and bodies as well as the general public and to advise the minister on sentencing matters.

This legislation proposes the sentencing advisory council will have between nine and 12 members. In an effort to bring more openness, accountability and a sense of community sentiment when sentencing convicted criminals, the majority of members will come from the community and bring to the council invaluable, broad-ranging experience on community and criminal justice matters. This will be balanced by highly experienced defence and prosecution lawyers. By bringing together this mix of community and members of the legal fraternity to make up this council, various sectors of the public will have an opportunity to be represented. In doing so, the views of the council will truly reflect public opinion and attitude towards sentencing within the bounds of the Penalties and Sentences Act 1992. The sentencing advisory council will focus on sentencing as a whole. As mentioned earlier in this speech, it will undertake a range of activities. Of special note is the fact that this council will not make judgments on specific indictments. This distinction will help ensure consistent and realistic sentencing across-the-board, providing community input into sentencing on the whole, with the council's role being focused on the entire sentencing system, not individual incidents.

In recent times the leniency of sentences for heinous crimes such as child abuse, violence towards the elderly, rape and home invasion have incensed the community time and again. The public has had enough. The judicial system is bound by the Penalties and Sentences Act 1992 to reflect community expectations of an appropriate punishment for crimes committed, but under current legislation this is not happening. This bill will address this perceived shortfall. We read in the tabloids almost every week of yet another convicted criminal receiving what amounts to be a slap-on-the-wrist sentence for a violent or despicable crime. The sentences being handed out by the judiciary are often seen by the majority of our citizens as inadequate, inconsistent or inappropriate. For example, what sentence would seem appropriate for grievous bodily harm? No conviction is recorded despite the victim suffering bruising to the brain and a neurological disability that will cause them and their families pain and suffering for the rest of their lives. What should the sentence be for admission of a sexual

relationship between a 40-year-old male and his young stepson? Being allowed back to live with the family after being sentenced to nothing more than an intensive correction order? What is a reasonable punishment for a teenage ringleader in an armed robbery? No conviction recorded despite pleading guilty; just probation and community service?

Many people feel these sentences, which were handed down recently in Queensland, show a judiciary with little understanding of public expectations. In adopting this legislation, we can guarantee the community that its voice is being heard, it is being listened to and its views will be realised through this advisory council. Communities across Queensland are united in their disgust over lenient and inappropriate sentencing. This legislation is a step in the right direction in giving Queensland a system that is fair, consistent with public expectations and much stronger in the message that it sends to criminals. The introduction of this legislation, which is long overdue in Queensland, will provide a more open and accountable system which the public not only expects but also has a legislative right to. Community input will reduce the capacity for criticism, help to modernise the criminal justice system and ensure that it is more responsive and better informed about community views on sentencing issues.

The New South Wales and Victorian governments have already established sentencing bodies to meet community expectations of input into sentencing. I listened to the Attorney-General and other members opposite explain why this bill was flawed, yet neither she nor they could reassure the general public that those found guilty of severe criminal activities would do the time to fit the crime. Many Queenslanders do not believe this to be so and therefore would be seeking this bill to be passed. I challenge all honourable members to give their support to this important piece of legislation. I commend the bill to the House.

Hon. DM WELLS (Murrumba—ALP) (8.35 pm): According to the mover's notes, the purpose of this bill is to amend the Penalties and Sentences Act to allow the Queensland community an input into the sentences and penalties imposed on convicted criminals through the creation of a sentencing advisory council. We already have a body such as that. This parliament actually determines the sentences that are to be imposed for different categories of offences. If the honourable member for Caloundra or his colleagues think that penalties need to be altered or if, like the honourable member who has just spoken, they think that the penalties need to be more severe, they can move an amendment to the Criminal Code or to the Penalties and Sentences Act in order to effect exactly that result.

Of course, this is not what the honourable member wants to hear. He wants to appoint a committee whose function would be to advocate for something this parliament can actually do. Let us look at the functions proposed for this committee. First, it is to 'state in writing to the Court of Appeal its views in relation to sentencing, guidelines and principles'. Well, that court already has in writing the community's views on sentencing guidelines and principles. These are contained in the Penalties and Sentences Act and were reduced to writing by a process of legislation by this parliament. The Court of Appeal and every other court has regard to it every day. The difference between the process that exists and that advocated by the honourable member is that the views of the proposed committee would be the views of unelected people. I do not see it as an advance to get a job now being done by people with a democratic mandate done instead by unelected pundits without a mandate. If the honourable member actually does, he might ask himself what is he doing here.

The second function of the committee is to provide statistical information on sentencing to members of the judiciary. This is superfluous. The judiciary has been sentencing on the basis of precedents for centuries. It still does, and it now has computerised databases to help it do it. The third function is to conduct research and gauge public opinion. These are functions of the media and of members of parliament, especially the Attorney-General, who has the power to direct an appeal in any case. The only function proposed for this committee that does not duplicate something already being done is the fourth proposed function—that is, to consult with government departments and other interested persons and bodies. So what the opposition wants to do is set up yet another bureaucracy which will add no value to the legal equation except to liaise with people who might or might not want to be liaised with. Such liaisons are likely to be either futile or dangerous. We would end up with a new committee without a product and a spurious role.

I acknowledge that the honourable member for Caloundra says that his committee would not make judgments about particular cases, but I fear that any such committee lacking a role, as it inevitably would, might, as it floundered around in its anomie and alienation, try to carve out a role for itself by making pronouncements at times or in circumstances that appeared to be pressuring the courts in particular cases—cases which, of necessity, they would not have sat through.

A fundamental principle of natural justice is that all the evidence should be heard from both sides. Judgment in any case should be delivered by a mind that had heard all the evidence without the distraction of the clamour of a bureaucracy of technocrats who chose to importune the judiciary at a critical moment.

The separation of powers between the legislature and the judiciary works like this. The legislature works generally and prospectively. It states the rules in advance and then steps back. The judiciary works specifically and retrospectively. It applies enactments of parliament to determine if they have

been breached in specific cases in respect of which it has heard all the evidence. This proposed committee sits uncomfortably between those two roles. It would not serve the interests of justice.

Mr HORAN (Toowoomba South—NPA) (8.40 pm): I am very pleased to speak on this bill tonight because I think that this private member's bill that the member for Caloundra has brought to this parliament is measured and it is well considered. It is a bill that certainly reflects community feelings of almost impotence when it comes to some matters to do with justice that we all hear about as members of parliament and that we should be bringing to this parliament so that we can look for a way in which we can actually do it better.

I am appalled to see the way that the government has brought an attack on this bill almost on one basis—that is, that the government seems to think that this is a system that is there solely to bring about mandatory sentencing or harsher penalties and so forth. However, this is to reflect public opinion—which is what we do—and to assist us in our deliberations to assist the judiciary in the way they go through the whole wide range of judgments and how we actually look at the performance of judges.

There will be some derogatory remarks made by the members opposite who seem to think that those in the judiciary should be above any sort of judgment or review or whatever. But the people in the community who are actually paying those in the judiciary through their taxes, and who are paying us in parliament to represent their views, believe that there should be some way in which, in the long career of a magistrate or a judge, because they are appointed until they reach a particular age—I am not sure whether it is 65 or 70—there has to be some measure of peer review or some measure of understanding what the community is feeling in some particular circumstances. Nobody is perfect. The community wants to have this input. I think that this bill that has been brought forward by our shadow Attorney-General is well thought out. It is well balanced. He has made the point that they are not getting involved in particular judgments.

I am not a lawyer like the three previous speakers from the other side, but I well remember a period of time in Toowoomba—it was not long ago—when we had what we called turnstile justice. I believe that a system like this would have been ideal because it could have provided the Chief Magistrate, the Attorney-General or the Chief Justice with some measure of the feeling that was in the community in addition to what we were doing in parliament.

If it was revealed by statistics—and I think that one of the things here is basic statistical information on sentencing—that across Queensland generally the performance of magistrates in a particular type of case, and say it was juvenile cases, was such and such and that was satisfactory but there was one area in the state where the application of the penalties and the sentencing code and so forth was so woeful that there was a system of turnstile justice, something should be done. In this case the community was tearing its hair out, the police were tearing their hair out, and, as a result, crime was on the increase because things were happening with these little miscreants all the time. They were straight through the turnstile, back out, doing it again, through the turnstile and thumbing their nose at the justice system. In this case it was not good for the young people concerned, either, because they were not learning a salutary lesson or getting the chance of rehabilitation that they needed because they saw it as, 'Oh, we can just go ahead and do this because we just go through the turnstile.'

This proposal has a lot going for it. It is about listening to the people. I could see good advice coming through from this about other possible sentencing options that the parliament could consider that could go to various groups that are involved in the process of justice. I will give members an example. When I was shadow minister for police and corrective services I felt that there was a glaring need for a halfway house type system for young people. On the one hand, youths are let go and told not to offend again because it is their first offence or their second offence and so forth. People do not want to see a young person who makes their first or second mistake getting slapped behind bars straightaway. They have to have a chance in life. If it is not a serious crime and they keep committing that sort of offence then maybe, because of their family circumstances, they need the chance to learn how to live an independent life, how to develop some form of discipline in their life, how to work towards getting a job, how to develop friendships, how to work with older people and younger people and so forth. Some form of a halfway house that gave that chance of rehabilitation might well be something that comes out of something like this.

When it comes to the penalties and sentences that we impose, I think there is also a forgotten group, that is, the victims of crime. I once had the very sad experience of going to some meetings involving the families of victims of homicide. They were people whose family members have been killed. Sitting with those people and seeing the hurt and the sorrow that lasts forever and ever was one of the most deep seated feelings that I have experienced. I felt powerless in any way, shape or form to help them.

The sentencing and penalties process has to have a component of punishment. It has to have a component of rehabilitation and, hopefully, developing those who have committed crimes into better people. It has to have some way of assuaging the terror, the sorrow and the haunting fears that may exist with people who are victims of crime.

I know of a case in Toowoomba of a lady who owned a shop who was held up at knife point. The most inadequate penalty imaginable was applied. The victim virtually could not go back into her shop. She was terrified to go in there. Every time someone opened the door she just about bolted. We have to start to remember the other side of the equation. We have to remember the victims of crime.

A couple of unfortunate comments were made here tonight. The member for Toowoomba North derided focus groups and derided listening to people. That just demonstrates the arrogance of the Labor government—a government that thinks that it knows better than anybody else. The member for Murrumba derided the fact that we were going to have this advisory council. He seemed to think that there was no need for an advisory council because we rely on the good old Attorney-General to appeal if there is a problem. He is quite happy to support a government that has an advisory council or an advisory group to tell farmers how to put ear tags into cattle and that sort of thing, but he does not want to have an advisory group to help us in the most important area of justice. He thinks that we should leave that to the Attorney-General and keep the people out of it—'I'm a Labor lawyer. No-one knows as well as we do. We have Labor lawyers here. We know the law. We know what is right. We know what is good for people, and they can just cop that.'

Mr Lawlor interjected.

Mr HORAN: There is another Labor lawyer interjecting. He knows it all! There is no need to listen to the people; he knows what is happening because he is a Labor lawyer! That is the reason we have so many problems with the justice system today.

It would do some of those Labor lawyers good to listen to some of the people in their electorates, maybe have a few focus groups, maybe talk to some victims of crime, maybe talk to some members of the Police Service in their electorates, maybe talk to some of the people whose properties are getting vandalised and maybe talk to some shopkeepers or service station attendants who have been terrorised. It would do the Labor lawyers good to talk to some of these people and see the need to bring in this well-thought-out system of providing statistical information on sentencing and current practices, conducting research into sentencing matters, gauging public opinion on sentencing, consulting on sentencing matters, advising the Attorney-General on sentencing issues and providing the Court of Appeal with the council's written views on the giving or reviewing of a guideline judgment.

We see that New South Wales now has a sentencing council, Victoria has a sentencing advisory council and England has a sentencing guidelines council. The Australian Law Reform Commission has issued a community consultation paper on this matter. It is the way that we are moving. This particular private member's bill, which has come from someone who not only understands the law but also understands the people he represents, provides something that has very carefully trod the path of not interfering with the principles of the separation of powers and so forth while at the same time allowing the greatest potential for people to ensure that our justice system is fair to all.

Mr CALTABIANO (Chatsworth—Lib) (8.50 pm): I am very happy to rise to speak on the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill. This bill deals with the principles of justice and fairness, which are the fabric of our society. I congratulate my colleague Mark McArdle, the member for Caloundra and shadow Attorney, on its development and introduction into the House in May 2005. The purpose of this bill is to allow Queenslanders to have a greater input into the sentences and penalties imposed on convicted criminals through the creation of a sentencing advisory committee. What could be wrong with that? New South Wales has done it. Victoria has done it. The United Kingdom has done it. Once again, it looks like Queensland will have to be dragged, kicking and screaming, to introduce of a modicum of fairness into the sentencing process of this state.

The creation of a sentencing advisory committee, being comprised of members of the public, would allow for community views and expectations to be incorporated into judicial sentencing decisions and would allow for a more modern and responsive criminal justice system. So why not support it? Why are members in this place afraid of community expectations when it comes to the criminal justice system? If this was introduced the court system would not only be doing justice but also be seen to be doing justice. That is an important element for maintaining confidence in our judicial system. In addition to public confidence being maintained, judicial discretion would also be preserved with the Court of Appeal, which is able to consider the information provided by the sentencing advisory committee in its decisions.

Concerns have been raised regarding the impairment of judicial discretion by a sentencing advisory committee. A sentencing advisory committee, established as an advisory board—which is what it is—has no legal authority. It merely allows the public to have a greater say in sentences that are imposed but, equally, has to have its input into the principles that guide the courts when they deliver sentencing and other penalty sanctions. The importance of voicing public opinion through an advisory body cannot be underestimated. The function of the council, in addition to providing views on sentencing guidelines, will be to gauge public opinion on sentencing matters, conduct research, consult with the relevant government departments and advise the minister on sentencing matters. What could be easier and what could be more sensible as a modicum of reform to the justice system here in Queensland?

A sentencing advisory council would be comprised of at least nine and no more than 12 members from varying backgrounds to provide the range of services in an advisory capacity to the government and to the judiciary. The membership will consist of two people with broad experience in community issues affecting courts. There will be members of the public who will be impartial in the gathering of information relating to sentencing matters and voicing public sentiment.

Mr Shine: Liberal Party members.

Mr CALTABIANO: Well, if they are Liberal Party members, member for Toowoomba North, they will certainly be sensible, they will certainly be impartial and they will certainly be able to gather information—unlike the Labor lawyers we have heard from tonight who simply have a closed-mind approach to a very sensible reform put forward by the member for Caloundra.

Government members interjected.

Mr CALTABIANO: We hear the cries from Labor Party, which does not seem to understand the principles associated with a sentencing advisory council. This council will, if it is passed by this chamber—and I urge all members to support it this evening—bring Queensland into line with other states. Surely the Labor Party does not want a reputation as the rednecks of the ALP across Australia. Surely it sees the sense in setting up this magnificent body to provide guidance and community input into the judicial process. Let me continue to talk about the people who will make up this council. A person who has experience as a senior member of the academic staff of a tertiary institution will be a member to provide an academic and philosophical view of any issues.

Mr Shine: Brett Mason?

Mr CALTABIANO: Senator Mason would be a wonderful example. The member for Toowoomba North said Senator Brett Mason. He is a doctor, a philosopher, a senator for Queensland, a great fellow, a great colleague and a great Liberal member of parliament. He would be a fine person—upon his retirement from the Senate—to take on that role to provide the academic and philosophical views to a sentencing advisory council.

A person who is a member of a victims of crime support group would also be appointed as a member. This person would ensure that the voice of victims would be heard and that victims of crime are not forgotten. Two persons with legal qualifications—a prosecution lawyer and a defence lawyer—will also be appointed to the council. This will give the council credibility and allow a balanced legal perspective to be presented within the advisory council. The remainder of the members—between three and six others—to be appointed will be people who have experience in the operation of the criminal justice system. For example, they may be retired judges and lawyers who have an understanding of the important issues that surround sentencing. Perhaps even the member for Toowoomba North, if he is fortunate enough to survive another couple of terms and retire gracefully, may in fact fill one of those roles. When we have a Liberal-National coalition government and we implement the sentencing advisory council, we in fact might invite the member for Toowoomba North to be part of that council, and I am sure that he will accept the position.

Mr Shine: You have Angelo Vasta in mind, don't you?

Mr CALTABIANO: Another fine lawyer, Angelo Vasta.

Mr Shine: Careful, careful.

Mr CALTABIANO: Angelo Vasta is a very fine lawyer in this state and we should not hear a word against him. He is a very fine lawyer, a very fine fellow and, indeed, a gentleman. The membership of the council would provide a balance of professional and academic expertise, coupled with people who are experienced in dealing with community issues relating to crime such as the victims of crime support groups. This will provide for an informed council with an objective and balanced view so that the issues of the day can be determined. As I said earlier, this is not a new idea. Other states have done it and it has been done overseas.

Ms Molloy: Just as well we've moved on from an eye for an eye and a tooth for a tooth.

Mr CALTABIANO: It is interesting that the member for Noosa would be so adverse to a sentencing advisory committee when in fact her left-wing mates in New South Wales and Victoria wholeheartedly support it. It is very interesting where the Labor Party in this state sits with respect to its colleagues across the nation when it comes to supporting good and innovative ideas that give the community a sense of being part of the judicial process—something that it is removed from in the state of Queensland and something that this bill seeks to get it involved in again in terms of the judicial and sentencing system. By developing a sentencing advisory committee in Queensland, consistency in sentencing between the states is much more likely. This will allow meaningful comparisons between penalties and offences and is necessary so that similar punishments will be given for similar offences committed by similar offenders. This consistency in sentencing will assist in coordinating elements of the criminal justice system and will avoid contradictory sentences and policies.

The proposed amendments would allow community input into sentencing as a whole. That is the fundamental nature of this bill. Most importantly, it introduces a permanent mechanism to ensure that sentencing guidelines reflect and remain linked to community values and expectations. I once again

thank the member for Caloundra for the time and effort he has put into this bill. I will be supporting it, and I commend the bill to the House.

Mrs MENKENS (Burdekin—NPA) (8.59 pm): It is with pleasure that I rise to speak to the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2005. The intent of this private member's bill is to provide a process whereby members of the community in Queensland can provide input into the levels of sentences and penalties imposed on convicted criminals. This process would be by the creation of a body called the sentencing advisory council, about which various previous members have spoken. I really do commend the member for Caloundra for this initiative. This is an area about which I know he has significant knowledge. I am aware that, because of his professional experience and expertise, he is in a position to be extremely aware of the glaring need for a process such as this to be implemented.

We are all aware of the community concern over many sentences and penalties that have been imposed on convicted criminals by judges. Many people believe these to be very subjective decisions that err on the side of leniency for very often very severe crimes. In some situations the penalties may also seem totally inappropriate.

As I see it, the core of this legislation is in our Australian system of democracy. Our governments are elected by the community. Decision making comes from the community, and it makes total commonsense that decisions about penalties and the sentencing of offenders should have balanced community input as well.

No doubt there are various methods by which this process could be achieved, but I believe that the process outlined within this bill does have real merit. Sentencing decisions, as I understand it, are meant to reflect the community's expectations of appropriate punishment. However, we are aware of many situations in which victims and their families feel extremely let down by the judicial system, particularly in cases where convicted criminals are seemingly given very lenient and sometimes almost non-existent sentences.

The severity of penalties and sentencing has certainly changed as community expectations have altered. Historically, it is reassuring to see the movement from Australia's early days, with its treatment of convicts and capital punishment—which, heaven help us, must never return—to our much more civilised and enlightened judicial method of today. However, today's tendency is to go too far the other way when we now analyse our human rights.

From the perspective of this bill, I note particularly that a similar process has been implemented in New South Wales, in Victoria, as the member for Chatsworth has reminded us, and also in the United Kingdom. I believe that all honourable members must very seriously consider this when voting for this legislation.

I also note that earlier this year the Australian Law Reform Commission released a community consultation paper which forms the first stage of a major review of the federal sentencing laws contained in the Crimes Act 1914. Part of that review involves considering the extent to which federal offenders should be treated equally, irrespective of the state or territory in which they are sentenced.

I note that the functions of the proposed sentencing advisory council are similar to those functions of the similar processes in New South Wales and Victoria. This is modelled to a great extent on what is already in existence and is already working in those other states. The actual functions of the council proposed in this bill reflect the same intent of those two states.

I note that these are advisory councils only. They do not take away any of the important role of our judges and magistrates. This is actually reflecting what the community feels, and surely that is what we are about in Queensland. However, currently that is not coming through.

The advisory council is to comprise between nine and 12 members, with two of these people to be experienced lawyers and at least three members to have experience in the operation of the criminal justice system. Other members on the council would bring academic, community and victim support knowledge. This would truly seem to be a broad and sensible representation from the community. No doubt this composition is one that could be subject to amendment should this appear necessary after the legislation is enacted. This is something that could be subject to change and put to use to see if it works.

One of the most important issues coming from our communities is their perception of current law and order. Citizens will not tolerate crime. So many people feel very frightened in their homes. If honourable members ask people, particularly elderly people—and I speak as the shadow minister for seniors—what their major issues are, they will find that they relate to law and order. This is terribly important. We must respect those feelings by toughening up and giving a clear message to those perpetrators.

I encourage government members to seriously consider the significance of this bill. I encourage them to take a bipartisan approach to this bill and not a party political approach. I encourage them to take a bipartisan approach to this bill, as we do in relation to so much of the legislation that comes through this House. This bill does have a great deal of merit. I commend it to the House.

Mr ROWELL (Hinchinbrook—NPA) (9.05 pm): I rise to support the Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2005. We have heard quite a lot from members on this side of the House about the merits of the bill. At present right across Queensland there is a great deal of concern about the necessity to have some voice, some capacity to speak out, when issues of sentencing are inadequate. I believe that this advisory council will do exactly that.

I think the intention of the bill is fine. We have heard that something similar is in place in many other jurisdictions, and it would be appropriate for Queensland to keep in step with the other states. Inconsistencies in the judicial systems of Queensland and the other states can cause confusion. I think it is appropriate that we introduce this bill and look at its merits. The members of the advisory council will look impartially at cases in which errors are perceived by so many people in the community to have been made.

I know that there is concern about the sentencing process because of the discretionary ability of judges. I think there has to be a discretionary ability, but it is a matter of confining that discretionary ability within parameters that are appropriate for the crime. We are not tackling something that is easy. I have taken note of what members on the other side of the House have said. Quite clearly, from time to time there is a necessity to put some checks and balances into the system. I believe that is what the member for Caloundra is attempting to do in introducing this legislation.

Many people are saying that embedding maximum penalties in legislation is not very effective and that the minimum penalties really need to be increased. Sometimes judges need not necessarily look at the absolute minimum sentence in the register when sentencing a person; but in the event that they do not have the capacity to do anything other than that, I think the advisory council would be extremely important.

I would like to cite an example of a person in my area who was badly treated by the system. This is a typical example. I actually went to the Attorney-General with this person's case, and I will read a bit about what he had to say later. Darryl Marshall has a young family. He is an excavator operator in the Tully district and, of course, he does a lot of work with river trusts and the Cardwell Shire Council. He is involved with pipelines and drainage which are essential components of what happens in rural areas. His work is not only in rural areas because often he goes up to Cairns to work. If work is available, he will go to it. Very often within rural areas we have very tight situations, and we experienced that just recently with the downturn in the sugar industry. So it was quite important for him to have the capacity to find work and continue on with it when it was available, and it was available because he is a good operator.

The excavator he had was valued at some $122,000. There was also a bucket and a low loader, so he was well equipped to do the work. On 1 January 2004 the machine was left at the work site. Three boys aged 22 years, 18 years and 16 years stole the CB out of the machine. They thought they would take the CB but then, all off a sudden, they realised they needed to cover themselves of any possibility of evidence of the theft being left behind. So they burnt the machine; they torched the machine. What an irresponsible act of destruction this was! Marshall had to hire another machine to continue on with his work because he had a contract to complete. He had to sell the low loader, he had to sell the buckets for the excavator that he had owned and, of course, he had payments still running on that machine.

Of course, he had to put food on the table at the same time. He waited eight months for the $80,000 from the insurance company to come through. Because of the circumstances of the case it did not rush to give him what he was entitled to receive. Of course, the replacement machine that he had to look at was worth some $200,000.

The case came before the courts in Cairns in January 2005. The District Court judge, after hearing the evidence that was put forward by the prosecutor, certainly expressed some opinions on the sentencing that was necessary for these louts who had torched this machine and put this person out of work for months, which made life very difficult for him and his family.

The 22-year-old, who had a criminal conviction, received a 12-month intensive correction order; the 18-year-old received a six-month intensive correction order; and the 16-year-old—because he was a juvenile, he had to go down to Brisbane—got just a slap on the wrist with a warm lettuce leaf. Absolutely ridiculous! There was no recognition of the disastrous effect on the Marshall family. So I thought I would do the right thing and pursue every avenue and I wrote to the then Attorney-General. The then Attorney-General came back with quite a lengthy letter. He was very concerned about what had happened to Mr Marshall—I think he was absolutely genuine about that—but he said, 'Any appeal by me would have no reasonable prospect of success.'

A machine that was worth $122,000 was burnt on a whim by three people who were aged 22, 18 and 16, and there was no prospect of going to the appeals court and prosecuting these people further. A petition went round the district and 1,464 people signed the petition. People were absolutely incensed—a senseless act of vandalism; a miscarriage of justice as far as they were concerned—at the inadequate punishment for the destruction of property.

I believe that if we had an appeals process, as has been put forward by the member for Caloundra, we may have a situation where this type of situation could be looked at more closely. I do not know exactly why the judge made the decision he did. I am sure he is a well-experienced judge. It may be that the minimum sentences for the acts that these three perpetrated on Mr Marshall, his family and the machinery that he owned—and which might be in accordance with the laws that we make in this House—were totally inadequate and did not bring about justice. It disturbs me greatly that we went to so much trouble to let the people have their say and so many people signed the petition, yet at the end of the day nothing could be done by the Attorney-General.

There needs to be some better mechanism to overcome the types of problems that faced Mr Marshall. I can quote other cases where people have been brutally bashed, their eyes have been knocked out, they have had to go to hospital, and yet the person who perpetrated that crime got a rap across the knuckles with a warm lettuce leaf! It is totally inadequate. I commend the shadow Attorney-General on this legislation. While I have heard many of the comments from the other side—and I can understand some of the rationale in their thinking—I cannot help but think we have to find some better mechanism than we have at this present time in Queensland to get around these very serious problems.

Mr McARDLE (Caloundra—Lib) (9.15 pm), in reply: I start by thanking all those who spoke tonight in the debate, particularly those colleagues in the Liberal and National parties. I will start by making the comment that this bill continues the process of evolution of a criminal law in our country that commenced over 200 years ago and, before that, in Great Britain. We have a long and rich legal system which has stood us and our forebears in good stead over that lengthy period of time. However, like all legal systems, it must be one that is seen as and acts as a living and evolving system. If it does not, then it faces the real risk of failing to mirror the attitudes and ideas of the society that it is meant to serve and protect.

The history of our legal system is no different. It did change, it did evolve, and today it reflects society's mores and attitudes. In my opinion, nowhere is this more important than in the criminal justice system, where the impact of the actions of a few can have a long-term effect not just for the immediate victim but also for the community or society as a whole. In particular, the action of an elderly person being bashed and robbed both repels us as a society and creates great fear among our older population. If we accept the need for our criminal justice system to evolve, and to continue to evolve as time goes on and maintain the connection to our community so essential for its relevance, we then must turn to the bill itself and ask: how does it do that?

The bill, in essence, amends the Penalties and Sentences Act 1992. It establishes a simple body—the sentencing advisory council. The functions of that council are clearly set out in the proposed section 198. Those functions are clearly stated. They do not impose any obligation, nor confine in any way the court of appeal, any court, any magistrate, this parliament, a member of parliament or any other body. It is simply and purely an advisory council—nothing more than that. There have been attempts by members tonight to demonise the concept of the advisory council. I say to them that they have completely missed the idea and concept behind the evolution of laws, which we must continue, in our criminal justice system.

The bill, as I stated, does not and will not target a group or a particular crime; rather, it gives life to our system of law, which is so essential to keep it relevant. It establishes the council and provides, as I said, functions. It is a real attempt to bring the community closer to the criminal justice system by providing a venue to allow that community to have its input into that system.

I note that the composition of the council has not been attacked by any of the members opposite. Why would it when we consider that, under proposed new section 201 of the legislation, the men and women who would be appointed to the council are men and women who would take their obligations seriously and who would bring to that council their experience, their knowledge and their dedication to the criminal justice system? As I said, we have attempted to draw from a range of people in our community a mix of knowledge and wisdom that will assist those on a daily basis who have input into the sentences and penalties that are imposed in our criminal system.

This bill is not the first attempt by a jurisdiction to discuss and to establish a sentencing advisory council. One only needs to look at the Victorian Sentencing Advisory Council, which was established in 2004 under the Sentencing Act 1991, and the New South Wales Sentencing Council, which was established in 2003 under the Crimes (Sentencing Procedure) Act 1999. I note that the Australian Law Reform Commission sentencing report No. 44 suggested that a national sentencing council be established. In 2005 the Australian Law Reform Commission released a community consultation paper titled *Sentencing of federal offenders* which has an element attached to it of a sentencing advisory council. The United Kingdom—or more so England—has its own sentencing guidelines council under the Criminal Justice Act 2003.

I draw the attention of the House to these initiatives only to highlight that the concept of a sentencing advisory council is not novel. I can tell members now that that will inevitably lead us to adopt such a body—if not here tonight, then it will take place in the future. It certainly will be an issue and a platform that we will revisit as time goes by. Certainly, we on this side of the House will continue to revisit the concept, because in this day and age it is simply inequitable to not involve the community and give it a greater say in what takes place in our courts.

I want to turn very quickly to some of the comments made by the members opposite. With respect, in my opinion the Attorney-General missed the whole concept of the bill. No-one is suggesting that this body would do anything more than provide assistance in the exercise of the court's judicial function, that is, to provide justice to those who appear before it. Nothing in this bill imposes an obligation on a court, the Attorney-General or the parliament. Again, I stress that this council is purely advisory in its capacity.

The member for Toowoomba North made the startling comment that he was concerned that this bill was put before the House. I say to the member for Toowoomba North that, if putting forward a bill of this nature—a bill that evolves the legal process and the criminal justice system one step further—is a concern, then I will take on that concern any time. If we stop evolving the legal process and the court system, then we have lost the battle. Nothing in this bill forces the Court of Appeal to take action, as the member for Toowoomba North indicated. He implied that in some manner the bill had the capacity to force the Court of Appeal to take a course of action in accordance with the council's wishes. That is completely and absolutely wrong. That again highlights the fact that the member completely misses the intent of the bill.

The member then made some ridiculous connection between this bill and mandatory sentencing as if in some way that was secretly contained within the terms of the bill. For a man of vast legal experience, that was an absolutely ridiculous comment to make. The member's reading of the bill to in some way impose mandatory sentencing is deliberate as it bestows on it a removal of the total rights of the courts. That is a completely and absolutely wrong interpretation. The bill does exactly the opposite. It brings the courts and the people of this state closer together. Not one word of the bill attacks the independence of any court, of any judiciary, of any member of this parliament or, in fact, of the Attorney-General.

The member for Ferny Grove made the comment that the Attorney-General has the right to appeal against a sentence if he or she believes that that should be undertaken. This bill does not remove that right, but it may well reduce the need for the Attorney-General to take that action. If the community's reflection, pursuant to the terms of the members of the council, is placed before the respective bodies, that may well reduce the need for the Attorney-General to make the applications referred to. The member also referred to the parliament as being supreme in the state. I disagree with him on that point. The people are supreme in this state and, of course, the parliament is here only at the behest of the people.

We have heard tonight of incidents of crime that, to say the least, are appalling. As a society we should not tolerate this behaviour. In fact, as a society and as a parliament we have an obligation to arrest this trend. That requires us to, firstly, provide strong and effective leadership in the imposition of sentences that mirror the concerns of our people. Secondly, we are required to ensure that the court comes to understand the needs of the society that it serves. Thirdly, we are required to provide a direct conduit for the community to that legal process. As I said earlier, this issue is too important to forget. I can assure all members of this House that we will revisit it—if not sooner, then certainly in the medium term.

Finally, the criminal law in Queensland has been the subject of much comment in the media and elsewhere. I can tell the people of Queensland that the Liberal and National party members are listening to what they are saying to us as a parliament. We will continue to listen to what they say to us and we will take note of what they are saying to us and act upon it. I commend the bill to the House.

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

AYES, 22—Caltabiano, Copeland, Flegg, Foley, Hobbs, Horan, Langbroek, Lee Long, Lingard, McArdle, Menkens, Messenger, Pratt, Quinn, Rickuss, Rowell, Seeney, Simpson, Stuckey, Wellington. Tellers: Hopper, Rogers

NOES, 48—Attwood, Barry, Barton, Beattie, Bligh, Boyle, E Clark, L Clark, Croft, Cummins, N Cunningham, English, Fenlon, Finn, Fraser, Hayward, Hoolihan, Jarratt, Keech, Lavarch, Lawlor, Lucas, McNamara, Mickel, Miller, Molloy, Mulherin, Nelson-Carr, O'Brien, Pearce, Poole, Purcell, Reynolds, N Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Wallace, Welford, Wells, Wilson. Tellers: Briskey, Reeves

Resolved in the **negative**.

ADJOURNMENT

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (9.33 pm): I move—

That the House do now adjourn.

Capricornia School of Distance Education

Mr COPELAND (Cunningham—NPA) (9.33 pm): One of the great sectors of our public education system is the School of Distance Education. It really has been a fantastic thing that children living in remote and rural areas of Queensland have been able to access quality education by the School of Distance Education. Unfortunately, currently the state government is considering closing the Rockhampton campus of the Capricornia School of Distance Education. Any closure of the Rockhampton campus is a reduction in services and children's education will suffer.

It is a concern when any of those schools close down, particularly when one looks at the geographical area that a service centre such as Rockhampton covers. I do not believe any assurance by the government that the Emerald campus will be able to cover its own responsibilities plus the huge geographic area currently serviced by Rockhampton's campus. The Rockhampton campus already services a huge area from Mackay to Bundaberg, Great Keppel Island to Duaringa and down to Monto, and a number of other centres.

Parents have been in contact with me. They are concerned that their children's access to things like mini schools and field services will be considerably limited if this closure proceeds. Rockhampton is much like my own home town of Toowoomba, which is a service centre for a huge geographical area and a very large education centre. Parents may have older children attending boarding school in Rockhampton or they may do their business in Rockhampton, and it serves them very well to combine that with visits by primary school-age children who may receive their education through the Capricornia School of Distance Education.

Many teachers have already indicated that they do not wish to transfer to the Emerald campus. Therefore, many families are now concerned that the closure will definitely result in the loss of many dedicated distance education teachers and, what is more concerning, will cause disruption to the students involved. Approximately 176 students will be directly affected by the closure. Those children are already disadvantaged by the tyranny of distance. One has to ask why the Beattie government is making access to their education much more difficult.

I am aware that the Minister for Education has expressed some concern about this decision and has said that he will meet parents during the Rockhampton sittings of parliament prior to making a final decision. Let us hope that he is not using this meeting as a method to buy some time and silence the issue during the regional parliament in Rockhampton, which is the home of the Capricornia School of Distance Education.

I call on the minister to see commonsense and keep the Rockhampton campus of the Capricornia School of Distance Education open for many years to come, because they are providing a very good quality service. They are providing a fantastic service for the children. The school's closure would be detrimental to the children and families who use that education centre. I urge the minister not to close that school.

Time expired.

Australian Workplace Agreements

Mr WILSON (Ferny Grove—ALP) (9.36 pm): John Howard claims that his new industrial laws will be good for workers and good for the Australian economy. The cornerstone of those changes is Australian workplace agreements—an individual contract between the company and the worker. There is no union and no independent umpire. AWAs; everyone should have one! That is what John Howard wants and that is what the Queensland Nationals and Liberals want. Tragically, Howard's vision has nothing in common with reality. Let us listen to what Colin has to say. He states—

Throughout my 50 years working life I have been both a worker and an employer. I have worked in positions where I had the protection of a Union and others where this protection was not available. Most recently, in a position where union protection was not available and worst of all Australian Workplace Agreements (AWAs) were in place.

Once as an employer in a small crop industry, I had up to twenty employees growing vegetables. The Award rate applied and only local employees were engaged. The only reason I gave up small cropping vegetables was the way the large Supermarkets operate.

Recently when I returned from overseas, I thought I would start tripping around on a working holiday, first stop cotton, up to 14 hours daily at a flat rate of $13.50 with no meal breaks, absolutely nothing. Second stop, Emerald on a very large vineyard where I had to pay $3 to sign an untold amount of paperwork, just to obtain a 'security pass' and a job pruning vines at piecework rates. It was impossible for me to earn more than seven or eight dollars per hour. After three days I left and ended my working holiday. Backpackers about two hundred are still there earning twenty five to thirty five dollars a day. They can't leave. They are broke.

The common denominator in all this is a combination of AWAs, no union protection and unscrupulous employers. My advice is never sign an AWA if you want to earn a living.

We on this side of the House could not agree more.

Gold Coast Project for Homeless Youth

Mr LANGBROEK (Surfers Paradise—Lib) (9.39 pm): There is a German proverb that proclaims charity sees the need, not the cause. On 22 September I was very pleased to attend the annual general meeting of the Gold Coast Project for Homeless Youth.

Mr Lawlor: I saw you there.

Mr LANGBROEK: The member for Southport was there, which shows the bipartisanship of the parliament when it comes to issues like homelessness. We realise that in the difficult world in which we live and with changing circumstances with regard to mental health, drug and alcohol issues, many people are successful in society and many people are not. The Gold Coast Project for Homeless Youth has been going for 20 years now and receives from the Department of Communities recurrent funding of

$596,000, which I know they are very thankful for. Obviously, they need to work constantly to maintain their funding.

There were not just five people at this meeting; there were about 30. I think the member for Southport and I both agreed that it is wonderful to go to meetings like this to see a real collection of people—not just a few people begging for money, because we all know we gets lots of people saying they need money for this or that. This organisation had 30 people there; some really keen volunteers. It is wonderful to see. They are pioneers of this method of housing. They have two houses. One is called Lawson House, and it is named after a volunteer, Pru Lawson, and another one is called Bannister House. Bannister House is a long-term stay. It is a supportive environment where young people who are assessed as reasonably stable are able to pursue their education and/or employment goals. Lawson House is a short-term stay. The important thing is that only two per cent of residents entering this service have left to stay on the streets. The other 98 per cent were assisted in finding other accommodation, with 21 per cent actually returning to family. They are both very good facilities. The return rate of 21 per cent returning to families is a wonderful statistic and a credit to them.

It is sad, though, that at least an average of two people are turned away every day, such is the need on the Gold Coast. I encourage all members of this House to think of ways to open more of these facilities and to support existing ones to meet the very real need that is out there in the community. I would like to especially commend Dr Bill Hoyer, who is the chairperson of this group that has been going for 20 years. I attended their 20-year celebration, and it was a celebration. We heard testimonials from people who have been in these houses who made mention of how it has turned their life around.

It is a wonderful organisation. I have been a strong advocate for the role and voice of those affected by mental illness and their families. As the incidence of drug addiction rises in our community, it is inevitable that there will be a correlation to arise in the number of people affected by mental illness. As a result, the resources of the project for homeless youth will be stretched to the limit. I urge the government to continue to support the project to help them help those who society has, on some occasions, let fall through the crack. Once again, I congratulate the project. They can count on my support in the future.

Cyclists

Mr LEE (Indooroopilly—ALP) (9.41 pm): I rise in the House tonight to raise in the parliament the very real safety concerns of cyclists in the Indooroopilly electorate. In recent times my office has been contacted by no fewer than three individual cyclists who raised the similar concern about motor vehicles driving too closely to them and on a number of occasions actually clipping them, not realising that they have hit the cyclist and driving on. I know that there was one instance where a bike rider came off their bike. I also know that there are a couple of instances where local riders had the view that the motorist had in fact seen them and, realising what they had done and not wanting to admit to what they had done, had simply driven away from the scene of what is, in effect, an accident.

I want to put on record tonight my absolute disgust for this sort of behaviour. I am working very closely with the cycling community in the western suburbs. I know that my concerns are also shared by Queensland's transport minister. I also want to say this: 'If you are a motorist who behaves in this stupid, obnoxious and appalling way and we find you, I will have absolutely no qualms whatsoever about naming you in this place and mentioning the registration number of your vehicle and making it clear to all your neighbours and your friends that you are a dangerous driver who puts the lives of Queensland cyclists at risk.'

I have good news, however. The lighting on the bikeway at Anzac Park, Toowong, I am told by the Brisbane City Council, will be fixed. The lights have been out at this part of the bikeway for quite some time, and I want to put on record tonight that the Brisbane City Council tells me that it is going to fix the lights at that part of the western suburbs bikeway.

Another concern that many cyclists have raised with me, as have pedestrians, teachers, students and friends of the Indooroopilly State School, is that of the removal of the zebra crossings at the intersection of the Western Freeway and Moggill Road where the bikeway crosses Moggill Road. I have great news for pedestrians and cyclists: the zebras will soon return to that intersection. It is going to make the intersection a million times safer for cyclists and pedestrians alike.

I also want to put on record my strong support for the Bicycle Federation of Australia's conference, which is being held in Brisbane next week at City Hall. This is going to be a fabulous event and it is a must if you are serious about trying to make Brisbane, Queensland and Australia a better place for cycling. I am very disappointed that I will be in Rockhampton during the duration of the conference, but I will be attending and participating as a presenter at one of the postconference workshops on Friday. People who are interested in attending the conference can log onto the web site www.bfa.asn.au/conference.

Parklands Trust

Mr HOPPER (Darling Downs—NPA) (9.44 pm): I speak on behalf of the Gold Coast Harness Racing Club about the plight of the club since compulsory acquisition of their premises on Queen Street, Southport and the relocation of the Parklands complex in 1988. In 1988 the government resumed the club's land at Queen Street, Southport via an amendment to the Racing and Betting Act and all compensation was paid to the Racing Development Fund for the establishment of racing facilities at Parklands. The Parklands Trust was set up under the department of natural resources. The harness club has become an income stream to the trust, despite assurances that the Gold Coast Harness Racing Club will be no worse off from the transfer to Parklands.

The club was deprived of its former rights to derive income from a variety of sources through the requirement that it had to operate under a licence from the Parklands Trust. The matter of equity for the club has never been addressed. The club has effectively been stripped of some $4.7 million. The great injustice of this comes from the belief of those former committee members of the club that, once the establishment loan was repaid by Parklands Trust, the racing club tenants would not be charged rent because Parklands was established as a racing complex. This has, however, been lost over the course of time and the firm belief of the Parklands Trust management is that it is a community complex and the race club should have no commercial favours.

The club has struggled to survive under the pressure of the high rents, track maintenance, electricity charges levied to this day by the trust and income streams other than 10 per cent of the food and beverage returns from its race meetings, race gate entry, tote commissions and administration grants from the Queensland Harness Racing Board.

Assets built at Parklands with grants given to the harness club from the Racing Development Fund, such as the 50-strong stable complex and car park facilities, provided additional income to the Parklands Trust to use as it sees fit, but no benefit stems to the club which obtained the grants in the first place. Both the harness and the greyhounds contributed to the cost of the betting auditorium, yet the money derived from this area at non-racing events goes to the trust only.

The club saw some light at the end of the tunnel when the racing department took over control of the Parklands Trust complex. The club approached the racing minister in 2004 but its hopes of some relief were dashed by a disinterested government which, despite recognising that the club was justifiably aggrieved, has failed to act on the club's behalf. In the meantime, racing continues to play second fiddle to the special events endorsed by the recent Racing Venues Development Act.

While the original intent of the racing minister of the day was to set up a racing complex in two major income streams, being the greyhound and harness racing clubs, it now seems the ideology of the trust management is that it is a community complex. The club is precluded from racing during events such as the Big Day Out and the Gold Coast show. Rent is still payable weekly whether the club is able to race or not. Without government intervention to correct this injustice, the club will have to continue its long and slow struggle to maintain viability. That is exactly what we spoke about. That is why we put that amendment forward in the last piece of legislation, but the minister has totally denied that.

Time expired.

Student Care and Welfare Queensland Inc.

Mr ENGLISH (Redlands—ALP) (9.47 pm): Being a young person in this day and age must be very difficult. The statistics we see in relation to youth suicide, drug and alcohol abuse, depression, child abuse and bullying paint a picture of the challenges facing our youth. These issues are ones that no government can remedy alone. Parents, carers, NGOs, teachers and local, state and federal governments all have a role to play in fighting these problems.

On Wednesday, 7 September I had the pleasure to attend a fundraising breakfast for an organisation that is doing its bit to help our young people—Student Care and Welfare Queensland Inc. This breakfast was sponsored by the Redland Shire Council, and I congratulate the council on its ongoing support of Student Care and Welfare Queensland Inc. I would also like to acknowledge the following organisations that also support and sponsor this great organisation—Coca-Cola, NEC, GHD, the South Bank Corporation and of course the CFMEU.

Student Care and Welfare Queensland aims to address both the physical and emotional needs that affect our young people. These issues know no cultural, racial or economic boundaries. Issues of mental health and drug and alcohol abuse do not discriminate. Student Care and Welfare Queensland offers a range of services including counselling for children in crisis, support to parents who are trying to address the problems and provision of food, clothing and blankets to families in difficulties. They also provide seminars and workshops to primary and secondary schools.

The guest speaker at this breakfast was our local legend, Olympics swimmer Ashley Callus. Ashley gave an honest and powerful speech that highlights the indiscriminate nature of the issues that face our youth. After the speech I approached Ashley and asked his permission to use sections of this

speech here tonight. Consistent with his genuine concern for young people, he readily agreed to allow that. To allow honourable members to put Ashley's poignant comments into perspective, I will give a brief summary of Ashley's great swimming career.

Ashley's career kicked off in 1998 when he finished third in the 50-metre freestyle at the nationals. He was subsequently selected to compete in the Commonwealth Games in Kuala Lumpur, where he won gold as part of the four by 100-metre freestyle relay team. Ashley was subsequently selected to compete in the world's biggest sporting event, the Olympics. This was even sweeter because the Olympics were going to be held in his home country, Australia. Ashley won gold in the four by 100-metre freestyle relay in world record time and defeated the unbeatable American team.

However, the 2003 world champions were a very large disappointment as Ashley finished 17th in the 100-metre freestyle and 31st in the 50-metre freestyle. Ashley was tired all the time and could not train to the best of his ability. Subsequent medical tests identified an issue with his heart and there was even talk of a heart transplant. What a huge shock that was for a fit and active 24-year-old. I will let Ashley take the story from here. He states—

Now you're probably sitting there wondering what all this is leading to. Well I'm about to tell you. Along with health problems depression hit hard. The end of 2003 and three quarters of 2004 was the peak! My girlfriend of 5 years left me. Performances still on the decline and the health issues drove me into the darkest period of my life.

Lying in bed not wanting to move for days on end, sometimes in tears, with my father holding me put a strain on family life. The feeling of being totally alone that no-one cared was a killer. Over time I found this not to be true. But because of these emotions I turned to, which is something I'm not proud of and hard for me to talk about but I turned to drugs and alcohol. At this time I thought that this was only way of keeping myself up. I reached a point where swimming was no longer something I wanted in my life. It gave me so many great experiences but I believe also took my health. I did qualify for the 2004 Athens Olympics, but didn't want to swim. It was at this stage that Coach David Urquhart who is more than just a coach, a great mate and my family bit the bullet and called the Qld Academy of sports, sport psych for help. I firmly believe that if it weren't for the support that I received around me that my life would be a shambles. I learnt that depression does not discriminate nor is it something to be ashamed of as I thought it was.

I would like to acknowledge Ashley's courage in speaking about these issues. I am pleased to advise that Ashley is very much back on track. In his speech Ashley acknowledged the support he received from his family, coaches and support staff from the Queensland Academy of Support. Both Ashley Callus and the Student Care and Welfare Queensland organisation—

Time expired.

Dylan and Maggie Book Series

Mr CHRIS FOLEY (Maryborough—Ind) (9.51 pm): I would like to bring to the attention of the House an excellent series of books, colouring-in books and puzzles by some local artists called the Dylan and Maggie series. This series has been designed to reduce the fear in children who might find themselves in a hospital emergency room environment for the very first time.

The series will cover many aspects of real life that are rarely seen by children unless they have had an accident or trauma to deal with. Some children have not even seen the inside of a hospital, while others have only visited people in a hospital ward. They see, hear and smell many things they do not understand mixed with pain on the faces of patients in the early stages of recovery.

The Dylan and Maggie series will explain to children, in their own language, what will happen to them if they have a broken bone, if they need stitches, if they have a sports injury or even the emotion of losing a parent, as Dylan does.

It is an Australian series set in what was once a small seaside town on the central Queensland coast. During the course of the story, travelling will bring about many different events and adventures, some involving large or small incidents that will require attention from Grandpa Eldon, known as the local healer. With the assistance of Thaddea and Dominic, everyone can be assured of the best medical care and shown that it is not as scary as it seems. The story-line ends in Maryborough. Trauma Teddies to look like the characters are being designed for the emergency services to carry, and we hope to add colour pencil sets to future print runs of the series.

I will outline the series and what each book will endeavour to explain to children about these basics of life. The first one—I have a copy here for any members who might be interested—is called *In a Child's Eyes*. It is a book as well as a colouring-in and puzzle book. The story covers themes such as tradition, manners, nightmares, memories, children breaking bones, fear, a mystery and community spirit. They are all designed to remove some of the trauma from accidents that can happen. The second book in the series is called *As We Grow*. The mystery deepens. There are sports injuries involving a broken ankle and stitches, colds and flu, gossiping and lies, punishment, ground rules, a work accident, trust and blocked memories returning following the death of a friend. The final book in the series is called *Such is Life*. Swimming in unknown waters leaves Cain wheelchair bound, a baby is born, the mystery unravels, there are runaways and a different kind of life.

The series has been written to allow for follow-on stories to be able to focus on a particular area, for example sports, travel safety, fire safety, playing in the background—

Time expired.

Orana Youth Shelter

Ms BARRY (Aspley—ALP) (9.54 pm): I rise to record my thanks to the generous supporters of the recent Orana Youth Shelter bed-sit fundraiser. The event was held in August at the Westfield Shopping Centre, Chermside and raised a total of $80,000 for the Orana Youth Shelter—an outstanding result that was $20,000 more than was raised at last year's inaugural event.

This money will be used to fund Orana's worthwhile work in providing shelter for homeless young people on Brisbane's north and to support those people, particularly young people, who are at risk of homelessness. The shelter, which is in my electorate, is funded by the Department of Communities to the tune of nearly $300,000 each year. But, as is often the case, the need outpaces resources. It has been the dream of Orana staff to provide a community outreach program as a way of furthering the capacity of the service. It is envisaged that some of the funds raised will go a long way towards Queensland Baptist Care's vision for this project.

Raising $80,000 is no easy feat. To do so in one morning's work that is spent largely lying around in a bed in pyjamas in the middle of a large suburban shopping centre is also no easy feat, but that is exactly what happens at the Orana bed-sit. Participants are sent to bed and are not allowed to get out of the bed until they have raised at least $10,000.

The event was held at Westfield Chermside, and it attracts a lot of attention. It is broadcast live to radio station 96.5 FM, one of Orana's major supporters. Participants this year included Aspley Leagues' football development coach and my favourite footballer, Andrew Gee. Andrew is a seasoned Orana bed-sitter and once again was supported by Aspley Leagues Club, a major sponsor of the event.

The Kedron-Wavell RSL services club came on board this year as a major sponsor. Its participants—my second favourite footballer, Ben Ikin, and marketing manager Cara Tindall—between them raised $29,000. Ex-Lions player Michael Halliday and Nikki Brown, Orana's manager, also raised $10,000 each.

Bringing up the total funds raised by finding $10,000 each were myself, standing in for minister Warren Pitt, minister for communities, and joining me in the next bed was Minister Mike Reynolds, Minister for Child Safety. All propriety was checked by the government whip, who came to check that we were not causing problems in his electorate. Minister Reynolds and I went head to head in the pyjama competition but, despite the minister bringing his childhood teddy to invoke the sentimental vote, the local Quest newspapers, also major sponsors of the event, declared my purple velvet seventies lounge pyjamas and matching moccasins the winner.

Evidence of how good the minister and I looked in our pyjamas was published in the local papers. In my humble view, it is the penultimate political photo that everybody should strive for at least once in their political life. All of this was, of course, witnessed by our lady mayoress, Lisa Newman, who was a gracious and professional barrel girl.

I would like to seriously say a huge thankyou to the sponsors, bed-sitters, participants and, most importantly, those generous people who donated to the worthy cause of Orana Youth Shelter.

Ambulance Levy

Mr HOBBS (Warrego—NPA) (9.57 pm): Tonight I want to talk about the unfairness of the ambulance tax in Queensland. The ambulance tax, as we all know, is to pay for our Ambulance Service, but the problem is that many people pay the tax more than once. The idea is to provide free ambulance cover to all Queenslanders. That does happen; however, many people pay that tax more than once. Also, some sporting clubs in some cases have to pay up to $900 a day to have an ambulance officer and unit present on the grounds for their rodeos and gymkhanas. There are many instances of double dipping by the government in this particular instance.

I want to share with members a letter that was sent from the Wyandra and District Progress and Recreation Association to the minister in relation to this matter. It states—

Dear Sir,

I am writing to you out of concern for what appears to be an excessively high fee for organisation who conducts Annual Events which requires the presence of an Ambulance Officer and unit.

Recently our organisation conducted our annual Horse and Motor Bike Gymhkana and the fee for the day was $900.00. We understand that there should be some fee involved in having an Ambulance Officer and Unit attending the event just in case there should be a need, however we are at a loss to understand such a high fee.

Anyone of us attending these events could at another time have a need for an ambulance and be entitled to this service free of charge as we are paying our Annual Subscription along with our Electricity Bill. Perhaps there is a difference which needs clarification.

Organisations such as ours throughout the State who are very small Communities rely on these events for a very wide range of reasons and on the surface after all of the hard work involved in conducting the event the real beneficiaries of the day are the Insurance Company and The Queensland Ambulance Service, considering the day's sporting attendees number around 250 to 300 people.

The raising of Gate and Event fees along with food and drink prices to compensate these 2 major fees for the day is really quite unfair and unrealistic considering that the majority of support is received from families who travel up to 200 kilometers and return to attend these events and the cost burden to them is quite considerable, however they still travel from community to community for these events not only for the social event but predominently for their children to compete, who in turn learn fair sporting ethics and disciplines. Also traditionally small communities support each other for all types of events to help make them more successful and enjoyable.

Our organisation is asking you to investigate the situation with the view to lowering the Ambulance Attendance Fee to provide some much needed assistance to the bush communities in this State.

Yours Sincerely,

(sgd)

Glen Bradford

He is the President of the Wyandra and District Progress and Recreation Association. That is a very good example of the dedication that goes into managing and running these sporting events. It is very important that we are able to at least provide those valuable services to those communities.

Time expired.

Gold Coast Hospital, Radio Lollipop

Ms CROFT (Broadwater—ALP) (10.00 pm): The Gold Coast Hospital paediatric unit caters for children and young people with illnesses or injuries until the age they leave school. It is estimated that there are currently close to 100,000 children under the age of 14 living in the Gold Coast region, not including the daily holidaying population. I understand that one in four children are admitted to hospital before reaching the age of 14. Although some child patients are short stay, many have a recurring need for care due to underlying medical conditions and return to hospital repeatedly. Some who are terminally ill spend so much of their short lives in hospital and, while the ward has a school room supported by Education Queensland, up until now it has not had a dedicated relaxation space for young patients. I am pleased to inform the House and the Gold Coast community that Radio Lollipop is coming to town and life at the paediatric ward is certainly going to change. Radio Lollipop is a dedicated entertainment service for children in hospital run entirely by volunteers. Radio Lollipop believes in the healing power of play, providing smiles and laughter to children at a time when they need it most. Radio Lollipop will give young patients a voice and a choice during their stay. While they cannot say no to taking their medication, they will be able to request their favourite songs, win prizes and hear their own voices on radio.

Radio Lollipop Gold Coast is the brainchild of Gold FM's Kate McFarlane, who early last year established a dedicated steering committee to make the vision of Radio Lollipop Gold Coast a reality. The committee consists of Kate as the president, Deb Lucraft, Tamara Klisaric, Anne Morrisey, Anna Creevey, Dr Sue Moloney, Kerrie McDonald, Margaret Nettle and me. We would like to say a very big thankyou to QVCT for building the radio room; Hamilton Hayes Henderson, the architects who drew up the designs; the Broadwater Southport Rotary Club, which has been the major cash donator of $10,000 so far; 90.9 Sea FM and 92.5 Gold FM; and the many Gold Coast businesses that have already donated items, money and priceless support to this worthy cause.

I particularly want to thank and welcome the many volunteers who have signed up to be volunteer Radio Lollipoppers. Radio Lollipoppers have already hit the floors and will soon be on the airwaves and playing the groovy tunes that will make the sick kids and, of course, the staff smile. I encourage all Gold Coasters to get behind this fantastic new charity. It has been my great pleasure to work with such a fantastic group of people to get this project up and running. I certainly look forward to the opening that will happen very shortly on the Gold Coast. It is a fantastic project and I am sure that the Gold Coast will embrace it.

Motion agreed to.

The House adjourned at 10.04 pm.