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RECORD OF PROCEEDINGS
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Subject **FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT** Page

Tuesday, 26 February 2008

L J OSMOND
CHIEF HANSARD REPORTER

N J LAURIE
CLERK OF THE PARLIAMENT

TUESDAY, 26 FEBRUARY 2008

The Legislative Assembly met at 9.30 am.

Mr Speaker (Hon. MF Reynolds, Townsville) read prayers and took the chair.

Mr Speaker acknowledged the traditional owners of the land upon which this parliament is assembled and the custodians of the sacred lands of our state.

ASSENT TO BILLS

Mr SPEAKER: Honourable members, I have to report that I have received from Her Excellency the Governor a letter in respect of assent to certain bills, the contents of which will be incorporated in the *Record of Proceedings*. I table the letter for the information of members.

The Honourable M.F. Reynolds, AM, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on the date shown:

Date of assent: 20 February 2008

"A Bill for An Act to amend the Gene Technology Act 2001"

"A Bill for An Act to amend Acts administered by the Minister for Education and Training and Minister for the Arts"

"A Bill for An Act to amend Acts administered by the Treasurer"

"A Bill for An Act to amend the Drugs Misuse Act 1986, the Drugs Misuse Regulation 1987 and the Judges (Pensions and Long Leave) Act 1957"

These Bills are hereby transmitted to the Legislative Assembly, to be numbered.

Yours sincerely
Governor
21 February 2008

Tabled paper: Letter, dated 21 February 2008, from Her Excellency the Governor to Mr Speaker advising of assent to bills on 20 February 2008.

SPEAKER'S STATEMENTS

Travelsafe Committee, Membership

Mr SPEAKER: Honourable members, I wish to advise that I have received correspondence from the member for Bulimba, Mr Pat Purcell MP, advising that he has resigned from the Travelsafe Committee effective 16 February 2008. I table a copy of the correspondence.

Tabled paper: Letter, from Mr Pat Purcell MP to Mr Speaker advising of his resignation from the Travelsafe Committee effective 16 February 2008.

Speaker's Advisory Committee, Order of Appointment

Mr SPEAKER: Honourable members, members may recall that during last year's estimates committee process I undertook to establish a Speaker's advisory committee. In October last year I wrote to a number of members inviting them to be on such a committee. I wish to advise that, in accordance with section 9 of the Parliamentary Service Act, I have formally established the Speaker's Advisory Committee.

The committee's terms of reference are to provide the Speaker advice on matters affecting members referred by the Speaker to the committee. The Speaker's Advisory Committee is a parliamentary committee and subject to the standing orders of the Legislative Assembly, the only difference from other parliamentary committees being that members are appointed by the Speaker and not the Legislative Assembly. Members are not paid for their service. Members of the committee will be me, as ex officio chair, Mrs Liz Cunningham, Mr John English, Ms Carolyn Male, Mr David Gibson, Mrs Betty Kiernan, Mr John-Paul Langbroek and Mrs Christine Smith.

PETITIONS

The Clerk presented the following paper petition, lodged by the honourable member indicated—

Cash Call

Mrs Sullivan, from 224 petitioners, requesting the House to abandon the proposed legislative changes that may stop Cash Call micro lenders from providing short-term cash loans.

The Clerk presented the following e-petitions, sponsored by the honourable members indicated—

Southern Ocean Whale Sanctuary

Mr McNamara, from 551 petitioners, requesting the House to intervene in the Japanese operation planning to slaughter whales in the southern ocean whale sanctuary.

Moreton Bay, No-Fishing Zones

Mr Weightman, from 503 petitioners, requesting the House to adopt the Moreton Bay Access Alliance's proposal for the no-fishing zones and to require the EPA to negotiate with local industry groups to develop zoning that is acceptable for all parties.

Petitions received.

TABLED PAPERS

PAPERS TABLED DURING THE RECESS

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

15 February 2008—

- Murray-Darling Basin Commission—Annual Report 2005-06
- Quarterly Report to the Minister for Transport, Trade, Employment and Industrial Relations (1 October 2007 to 31 December 2007)—Activities carried out by the Queensland Workplace Rights Office

19 February 2008—

- Manual for the National Tax Equivalent Regime—January 2008 (Version 6)

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Food Act 2006—

- Food Amendment Regulation (No. 1) 2008, No. 22

Local Government Act 1993—

- Local Government Reform Implementation Regulation 2008, No. 23 and Explanatory Notes for No. 23

Local Government Act 1993—

- Local Government Reform Implementation (Transferring Areas) Amendment Regulation (No. 1) 2008, No. 24 and Explanatory Notes for No. 24

Local Government Act 1993—

- Local Government (Areas) Regulation 2008, No. 25

Local Government Act 1993—

- Local Government (Community Forums) Regulation 2008, No. 26

Fisheries Act 1994—

- Fisheries (Asian Bag Mussels and Asian Green Mussels) Quarantine Declaration 2008, No. 27

Liquor Act 1992—

- Liquor Amendment Regulation (No. 1) 2008, No. 28 and Explanatory Notes for No. 28

Liquor Act 1992—

- Liquor Amendment Regulation (No. 2) 2008, No. 29 and Explanatory Notes for No. 29

Superannuation (State Public Sector) Amendment Act 2007

- Superannuation (State Public Sector) Amendment (Postponement) Regulation 2008, No. 30—

Transport Legislation and Another Act Amendment Act 2007—

- Transport Legislation and Another Act Amendment (Postponement) Regulation 2008, No. 31

REPORT TABLED BY THE CLERK

The following report was tabled by the Clerk—

Report pursuant to Standing Order 158 (Clerical errors or formal changes to any bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by Her Excellency the Governor, *viz*—

Education Legislation Amendment Bill 2007

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'*Education Legislation Amendment Act 2007*'

Insert—

'*Education Legislation Amendment Act 2008*'.

Gambling Legislation Amendment Bill 2007

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'*Gambling Legislation Amendment Act 2007*'

Insert—

'*Gambling Legislation Amendment Act 2008*'.

Gene Technology Amendment Bill 2007

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'*Gene Technology Amendment Act 2007*'

Insert—

'*Gene Technology Amendment Act 2008*'.

Drugs Misuse Amendment Bill 2007

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'*Drugs Misuse Amendment Act 2007*'

Insert—

'*Drugs Misuse Amendment Act 2008*'.

SPEAKER'S STATEMENT

Photographs in Chamber

Mr SPEAKER: Honourable members, I have given permission for a photographer from the *Courier-Mail* to take photographs in the chamber this morning between 9.30 and 11.30 under the current media guidelines.

MINISTERIAL STATEMENTS

Mackay, Floods

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.35 am): As all honourable members are aware, the city of Mackay received over 620 millimetres of rain in a 10-hour period on the morning of Friday, 15 February 2008, just one day after we had finished the last sitting. This represents more than a third of Mackay's average annual rainfall and it caused flooding with little or no warning.

In Mackay and its suburbs over 8,350 properties and 360 commercial sites have been affected by the flood, with more than 3,900 homes and 23 businesses being inundated. Once again, our police and emergency services staff responded magnificently. My government immediately declared a disaster situation for Mackay and the federal government has also agreed to provide additional assistance to residents.

While in Mackay on the Saturday after the event I approved a further $400,000 for the Premier's Flood Relief Appeal. The state's contribution now totals $500,000 and this was matched last Friday in Mackay by the Prime Minister. Pledges from the general public and business community have seen the appeal fund balance at more than $1.54 million. These are funds that will go a long way to making a difference. I thank those who have made donations.

My government has also established community recovery centres in Mackay and sent in additional staff to work in these centres alongside officers from Centrelink, Lifeline, the Australian Red Cross and the Insurance Council. I thank all those involved for their outstanding efforts. To date, more than $1.6 million has been provided in emergency assistance payments to Queenslanders in hardship resulting from the monsoonal floods, including over the last nine days $485,000 to the residents of Mackay. In spite of the extra staff on the ground, I understand that there are still queues as people wait for interviews and to have their claims processed. I thank those people for their patience and assure them that additional staff will be remaining in town.

As a result of the Mackay flooding my government yesterday appointed the President of the Master Builders Association, Mr John Gaskin, to help oversee the rebuilding of central Queensland towns following the recent floods. Mr John Gaskin will lead the work being undertaken on the ground by various government departments and agencies. While waters are subsiding, the hard work now begins. There is a major rebuilding job ahead. It will take many months.

Mr Gaskin has more than 35 years experience in industry, including senior management positions with leading construction contractors including Watpac and Multiplex. I have also asked the retiring Mackay mayor, Julie Boyd, to assist Mr Gaskin in his work. Tomorrow I will give the member for Mackay, Tim Mulherin, leave from parliament so that he can travel to Mackay with Mr Gaskin to be on the ground and show him firsthand the level of damage that has occurred and to introduce him to the people who will be part of the recovery effort in Mackay. Our recovery teams in areas such as Emergency Services and Community Services have a done a terrific job so far.

The Queensland Building Services Authority has also established a coordination centre to help coordinate builders undertaking repairs. Mr Gaskin will oversee all of this work going forward as we move into the difficult rebuilding phase and report directly to the minister for public works and housing, Robert Schwarten. This continues to be a testing time for those Queenslanders affected by recent flooding. It is set to continue with more rain forecast. The government will continue to do what it can to help those affected get back on their feet.

Tourism, Floods

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.39 am): As we continue to count the cost of the recent floods that have wreaked havoc on regional Queensland, we know that the personal cost to many Queenslanders is not limited to the damage done to their homes but to their businesses as well. One industry to be hit hard is Queensland's tourism industry. The peak summer holiday season from Airlie Beach to Coolangatta was heavily affected by bad weather and resulted in lower than average patronage. The estimated financial cost to the industry is $4.5 million so far. But it will be the ongoing effects from future holiday cancellations that could see that figure significantly increase. There are reports that negative media coverage in the southern states has resulted in regional tourism operators receiving holiday cancellations for up to six months ahead, and we want to minimise this as much as possible. So I am pleased to announce today that as part of the government's ongoing relief efforts Tourism Queensland will redirect $150,000 of its advertising spend to send a targeted message to interstate and international visitors that Queensland is still open for business.

As well as local and national marketing campaigns to reassure potential visitors that Queensland remains a great place to holiday, Tourism Queensland has contacted major travel agents and key industry bodies to assure them that our tourism operators and accommodations are open for business. Tourism Queensland's international offices have also been briefed and regular meetings are being held with regional tourism operators to monitor ongoing effects. I want to put on record my thanks to tourism minister, Desley Boyle, and her parliamentary secretary, Jan Jarratt, for maintaining constant contact with the affected regions and working quickly to implement a program to minimise cancellations. I can assure travelling Australians and international visitors that the Queensland tourism industry is very much open for business. While it may be a little wet one day, I can assure them that it will be perfect the next.

Welfare Reform Trial, Indigenous Communities

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.41 am): Today my government will embark on a groundbreaking reform of service provision and welfare payments in remote Aboriginal communities. Four Queensland communities—Aurukun, Coen, Hope Vale and Mossman Gorge—have agreed to be part of a new welfare reform trial. Later today I will introduce legislation that could see some 1,800 welfare recipients and CDEP participants subject to a new Family Responsibilities Commission. Should they abuse or neglect their children, fail to send them to school or be found guilty of a crime by a magistrate, from 1 July they could be subjected to intervention by and a ruling from this new commission. The commissioner and local commissioners, who will be nominated by their community leaders, will then interview the person and consider a range of options. This may be a warning, it may be a compulsory money management course, it may be alcohol treatment and, as a last resort, some people may have some or all of their welfare payments managed on their behalf for anywhere up to 12 months.

I want to put on the record my thanks to the community leaders and the Cape York Institute for their leadership on this issue. This trial will be a challenge to all of us. We are charting new territory, but the price of doing nothing is simply too high. Leadership was also shown by the mayors at the round table of Indigenous mayors held in Cairns on 15 February. I joined the 18 mayors of Indigenous communities, the Treasurer and the ministers for police, local government and Aboriginal and Torres Strait Islander partnerships. The mayors and I have agreed to major changes in the management of alcohol in Indigenous communities. This includes reviewing and tightening alcohol management plans

in every community. I expect that some communities will take the tough choice to become dry, which Woorabinda through its council and community justice group has already done. We will support them with an extra $65 million in state funds and an additional $36.4 million being provided by the federal government. Some $100 million in total will deliver new detox and rehabilitation services and provide diversionary and support services. Additional police officers will also be available in these communities if necessary.

Importantly, no Indigenous council will hold a general liquor licence after 31 December this year. We will introduce legislation that will once and for all sever the link between council income and alcohol profits from canteens. Affected councils will be compensated for the loss of their revenue in their general council grants. The mayors agreed to return to their communities from this round table to discuss the practicalities of going dry. Teams of senior government officers will meet with councils and community justice groups in April to discuss individual restrictions.

As with the welfare reform trial, the hard work is just beginning. But by developing a strong partnership across the federal, state and local levels, we can make a real difference to the lives of Queenslanders in remote Indigenous communities. I thank the mayors for their leadership. They are demonstrating that they are capable of taking the lead in an area as complex and difficult as some of these reforms. I also reaffirm the commitment of my government to the Indigenous partnership agreement signed last year as the framework for managing these changes. Alcohol abuse is a blight on many Indigenous communities. We are going to work with these communities to bring about a significant shift in the way that we manage alcohol supplies and the way that we support and treat people who are binge drinking or affected by alcohol in other ways.

Report of Ministerial Expenses

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.44 am): I lay upon the table of the House the public report of ministerial expenses for the period 1 July 2007 to 31 December 2007. This is my first public report of ministerial expenses since becoming Premier on 13 September 2007 and I have been committed to matching the economy and efficiency of my predecessor. This report shows that ministerial expenditure has remained reasonable under my guidance and that fiscal responsibility remains a cornerstone of our government's approach. When compared to the same period in 2006 in areas of discretionary expenditure, expenditure levels have been maintained or savings made. Overall expenditure, however, has increased by about 6.3 per cent compared to the same period in 2006. There are three keys items to this: over half of this increase relates to unavoidable expenses such as enterprise bargaining pay increases of $392,000; additional costs for workers compensation premiums of $170,000 due to changes in WorkCover billing; and contributing factors associated with staff separations following Premier Beattie's retirement and salary on-costs such as increased FBT, payroll tax and superannuation.

The salary figures for the second half of 2007 are higher in comparison to the same report for the Beattie government in the second half of 2006. This is because the salary figures in 2006 were lower due to staff vacancies that occurred after the 2006 general election when four ministers retired. Fewer vacancies resulted from the transition from Peter Beattie as Premier to myself, but ministerial staff numbers have been kept below the published estimates in the MPS. Based on expenditure in the public report for the first six months of the year, ministerial offices are projected to be up to $2 million underspent on the MPS budget at the end of year. I believe that this report clearly shows that ministerial expenditure is at a reasonable level, and I seek leave to table the report.

Leave granted.

Tabled paper: Public Report of Ministerial Expenses for the period 1 July 2007 to 31 December 2007.

Infrastructure

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Minister for Infrastructure and Planning) (9.46 am): Queensland is a big state, and that is why this government is getting on with the job of delivering the infrastructure we need to ensure our economic growth and continued quality of life. We have made an $82 billion commitment to infrastructure in south-east Queensland over the next 10 to 20 years and a $36 billion commitment to regional infrastructure over the next 10 years. This financial year alone the Queensland government will spend $14 billion on capital works, making it the biggest in our history and the largest Capital Works Program in the nation on a per capita basis. Victoria is spending $633 per capita, New South Wales is spending $1,800, Western Australia is spending $2,700 and Queensland is spending $3,300. So we are leading the nation in terms of infrastructure delivery. This government's commitment to infrastructure is even more important considering the size and decentralised nature of this great state.

As I said, it is a big state and we are getting on with delivering for all of it. This Friday work will begin on a pipeline from Yeppoon to the Fitzroy River. This project was identified in the Central Queensland Regional Water Supply Strategy as an option for supplying water to users on the Capricorn

Coast. Once completed in December 2009, the pipeline will provide secure, long-term water supplies for Yeppoon and the Capricorn Coast. Construction of the pipeline will have considerable environmental benefits and remove the need to take water supplies from the Sandy Creek coastal dune system. It will be approximately 33 kilometres long and have the capacity to transport up to 15,000 megalitres of water each year. The overall project also involves construction of two reservoirs, two pump stations and other associated infrastructure. The pipeline is the first of the regional water projects in the statewide water policy to begin construction.

Livingstone Shire Council is managing the construction of the pipeline and the project is being jointly funded by the Queensland government, the federal government and the council. I want to congratulate the member for Keppel, who has been a strong advocate for this project. It is the commitment from strong, vocal regional MPs like the member for Keppel which ensures that this government delivers for all of Queensland. We know the opposition is south-east Queensland focused. We know that that is where the battleground is in the already-failed fight for the amalgamation of the Liberal and National parties. But the Bligh government will continue to plan and deliver projects right around Queensland, even though the opposition seems to have forgotten just how big Queensland is.

Q-Cars

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police, Corrective Services and Sport) (9.49 am): Late last year I announced that two non-standard, unmarked police vehicles, known as Q-cars, would be patrolling undercover on our roads. Hoons looking out for standard police cars have had quite a shock recently when pulled over by a Q-car. I would like to inform the House of the operations of the two unmarked vehicles from 20 December 2007 to 10 January 2008.

In that short time, 264 offenders were detected. The vast majority were men, with only 50 women caught. One hundred and eighty people were booked for speeding, 77 for using a mobile phone and 18 for not wearing a seatbelt. But it is the stories behind these infringements that demonstrate the value of the unmarked police vehicles. Reckless drivers simply have no idea they are passing a police car.

The Q-cars have detected drivers accused of appalling episodes of speeding. For instance, in December police booked the driver of a black ute that overtook a Q-car and reached 170 kilometres per hour in a 110 kilometre per hour zone on the Pacific Motorway at Pimpama. The offender's six-year-old son was in the front seat. On another day a vehicle on the Pacific Highway was detected by a radar doing 153 kilometres per hour in a 110 kilometre per hour zone. The driver suddenly slowed down to 110 kilometres per hour when he saw a marked police car at the side of the road. Once past the marked car, thinking the coast was clear, the driver sped up to 135 kilometres per hour. At that stage he was issued with a second speeding notice. Of the 13 motorcyclists pulled over, two cases stand out for all the wrong reasons. One was caught doing 160 kilometres per hour in an 80 kilometre per hour zone across the Gateway Bridge. Another overtook a Q-car on the Pacific Motorway and was clocked doing 180 kilometres per hour in a 110 kilometre per hour zone.

Police in the Q-cars have heard their fair share of excuses from drivers. At Robina Parkway a driver was detected doing 160 kilometres per hour in an 80 kilometre per hour zone. He initially said that a car was chasing him but the in-car video showed no other cars within a kilometre of him. The Q-cars have been a success and are sending a message to offenders that they could be caught anywhere at any time.

Quarantine and Biosecurity

Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (9.51 am): In less than three months the Rudd Labor government has shown that it has the intestinal fortitude to do what its immediate predecessor would not. Queensland has much—arguably the most of any state—to gain from the federal government's commitment to a comprehensive, independent review into Australia's quarantine and biosecurity systems. This is, as pointed out by my federal counterpart, Tony Burke, the first major review of quarantine and biosecurity since the former Labor government commissioned a review by Professor Malcolm Nairn in 1995.

There is no doubt that the former federal government—colleagues of those on the other side of this House—was unwilling to fully commit to a biosecure shoreline. And hasn't Queensland paid a hefty price! Fire ants, sugarcane smut, citrus canker, equine influenza—the list goes on and on. It is Queensland that has been left to clean up the mess.

That Australia's national quarantine system has dropped the ball was most recently made abundantly clear by the equine influenza outbreak. It was not the Queensland government that was responsible for EI entering the country, it was not the New South Wales government; nonetheless, here we are on the brink of returning to normality but not before spending tens of millions of dollars spearheading the fight against a threat that was not of our own making.

It gives me great optimism for the future that the federal government has given priority to rectifying our quarantine and biosecurity systems. It has also come as much welcome news to the likes of the Canegrowers organisation, which has publicly welcomed the federal government's review.

It is absolutely crucial that Australia is protected from disease. Our primary industries and fisheries are worth more than $11 billion annually to Queensland. Queensland showed through the establishment of Biosecurity Queensland that it takes protecting our industries seriously. It is not before time—and it has taken a Labor government to do it—that the federal government has done likewise. It is yet another example of the spirit of cooperation and like-mindedness that now exists between federal and state governments.

Youth Justice

Hon. KG SHINE (Toowoomba North—ALP) (Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland) (9.53 am): Early intervention to prevent young people leading a life of crime is one of the most important aspects of our justice system. In difficult areas like youth crime it is tempting for all of us to look for seemingly quick and easy solutions. The member for Caloundra wants to take the easy route by sending young offenders to boot camps. While television shows portraying the success of boot camps are currently rating well, there is considerable research that shows that early identification of young people at risk of offending and action to address their problems is more likely to decrease their involvement in crime in the longer term than boot camps. Boot camps are a perennial policy by the other side, which only proves that the member for Caloundra and his mates have little idea about how to address issues surrounding juvenile justice.

On the other hand, this government provides a full range of programs and services that address juvenile justice interventions. We have prevention and development programs and support services for at-risk youth, we have diversionary programs such as cautioning and youth justice conferencing, we have bail support and conditional bail programs and we have a range of community based supervised youth justice orders. What does the opposition suggest? It suggests a short-term, populist policy.

We provide young people with access to a number of programs and services including the Duke of Edinburgh Award scheme, which provides at-risk youths with voluntary self-development activities to take them through the potentially difficult period between adolescence and adulthood. We give at-risk youth psychological counselling so they can learn life skills and can grow emotionally. We give them youth justice conferencing, which has a 98 per cent satisfaction rate for those who take part, including the victims of crime. We provide programs which give youth a better long-term chance of living a life without crime. What does the opposition give us? Nothing—nothing but a short-term, quick-fix option. It is clear that this government is determined to address youth justice in our society while the opposition would rather us watch television to see how we can help our young people.

Queensland Economy

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer) (9.56 am): The latest release of the Queensland state accounts today by the Office of the Government Statistician is not only solid testimony of the continuing strength of our economy but also a solid reminder that we can at no stage take our eyes off the ball. The September quarter accounts show the state's economy grew by 1.9 per cent to be 8.7 per cent higher over the year. On any assessment, that is an economy in a strong position. That 8.7 per cent annual growth was three times the growth for the rest of the nation and is, in fact, the highest level of growth recorded since the inception of the Queensland state accounts. I caution, firstly, that the figure provided through ABS data is subject to revision and indeed the last reported 12-month growth of 6.8 per cent has been revised down to 5.6 per cent by the provision since then of more robust data from the ABS.

This is an economy powered by investment. Total investment, both public and private, grew 17 per cent over the year, accounting for 5.5 percentage points of the 8.7 per cent expansion in the state economy. The government's clearly articulated and ambitious capital program—to bank and build in the growth dividend of the last decade—saw investment by the general government sector increasing by 28.4 per cent over the year. These are the numbers that flow from our commitment to do exactly what the Reserve Bank has identified is required: build the productive capacity by expanding our infrastructure platform.

These accounts show the resilience of the Queensland consumer. Household consumption rose by 1.6 per cent in the quarter to be 5.2 per cent higher over the year, supported largely by continued jobs growth and well ahead of national growth rates. Other recent data shows us the first signs of the continued hiking of interest rates against the pent-up inflation residing in the national economy. Dwelling investment has dropped, retail sales growth has slowed and consumer sentiment is greatly reduced, with the 12-month outlook in Queensland down 15.2 per cent. We see again this morning reports about the impact of the fallout from the US subprime mortgage crisis on superannuation funds.

The real story is the fundamental optimism underlying our prospects. Consumer sentiment for the next five years has been resistant of the contemporary problems besetting global finances, rising 20.4 per cent. That reflects our view. There are problems in front of us, but the horizon of Queensland's prosperity remains long.

School Based Apprenticeships and Traineeships

Hon. RJ WELFORD (Everton—ALP) (Minister for Education and Training and Minister for the Arts) (9.58 am): Every week across Queensland more young people are signing up for the rewards of school based apprenticeships and traineeships. Many students find that combining school with an apprenticeship or traineeship better prepares them for their future—whether they intend to enter full-time employment, attend university or undertake other full-time training after completing school. These students are gaining workplace skills, knowledge and maturity and are working towards a vocational qualification while still at school. Being paid also helps their confidence and independence. It is a win-win for young people, their parents and employers.

Queensland leads the country in the uptake of school based apprenticeships and traineeships with more than 40 per cent of all commencements in the entire nation. But we are not about to rest on our laurels. Our government wants to offer more opportunities for young people to participate in school based apprenticeships and traineeships and we are targeting 12,400 commencements by December 2009. To ensure we reach this target, my department has prepared a document *School-based apprenticeships and traineeships: a Queensland government agenda*. This document identifies nine strategies to help students, teachers, employers and training organisations to reach this target. It outlines how we will build on our successes by working with industries and employers to increase the uptake of school based apprenticeships and traineeships. Our government has allocated an additional $6.2 million over three years to help schools meet expected increased demand, ensure effective coordination and improve training outcomes.

The opposition might talk about easing the skills shortage, but that is all it is—all talk and no action. Its federal counterparts rolled out the infamous Australian technical colleges, which replicated our successful school based apprenticeships and traineeships program. These Australian technical colleges have cost the nation a fortune and, by and large, they have been a dismal failure. Millions of dollars were invested in these expensive colleges, but they have failed to have any effect on reducing the skills shortage.

In Queensland we are making a difference. I encourage every member of this House to promote school based traineeships and apprenticeships when talking with local industries, employers, schools, parents and young people. We want school based apprenticeships and traineeships working for Queensland—for our young people, our employers and our state's future.

Social Housing

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (10.01 am): I rise today to inform the House of the impressive work done recently by the Department of Housing to boost the supply of social housing available for Queenslanders needing help putting a roof over their head. In the past four months, the department has completed construction of 111 new units of accommodation and started construction of a further 99 units of accommodation. This activity alone is valued at more than $59 million. Over the same period, the department has purchased more than 190 established dwellings at a cost of some $49 million. Fifteen development sites have also been purchased at a cost of $5 million. These sites will be used by the department in the future for more social housing. I am advised that the potential yield for these sites is up to 70 units of accommodation. These investments, totalling $113 million, have helped more than 1,000 new households into social housing over the past four months.

While social housing is at the core of the department's activities, it offers a number of other services aimed at helping Queenslanders access the private rental market. Since November, the department has paid out more than 3,000 bond loans and 300 rental grants. This assistance can be vital as many people are able to afford to rent in the private market but may just need some assistance in getting their foot in the door.

But the department is not about to rest on its laurels. Before the end of this calendar year, I anticipate at least 500 extra units of accommodation will be added to the department's property portfolio. This boost will take the total number of dwellings owned and funded by the department across Queensland to close to 66,500. Successive record budget allocations, complemented by a five-year, $500 million funding injection from the Queensland Future Growth Fund, will enable the Department of Housing to continue its efforts in housing Queenslanders in need.

Natural Disaster Summit

Hon. N ROBERTS (Nudgee—ALP) (Minister for Emergency Services) (10.03 am): Over the last two months, large areas of Queensland have endured heavy rain, damaging winds and widespread flooding. To date, the joint state and Commonwealth funded natural disaster relief and recovery arrangements have been activated in 83 local government areas. These areas cover approximately 83 per cent of the state's land area.

I can announce today that I have accepted the recommendation from my department to trigger NDRRA assistance for Herberton shire in the state's far north following reports of $300,000 in damage to local roads as a result of monsoonal flooding. Herberton shire is one of 37 shires where NDRRA assistance has been activated twice this year.

I would like to record my thanks to the many Queenslanders who have worked so tirelessly in the response to these floods. I would like to acknowledge the State Emergency Service volunteers; council workers; staff of Emergency Management Queensland and other government agencies; the men and women of the police, fire and rescue and ambulance services; the Red Cross; the Salvation Army; other volunteers; businesses; and residents themselves. It has been inspiring to see neighbours, family and friends helping people in times of need.

I also wish to acknowledge the contribution from the Commonwealth with the additional resources and assistance announced by the Prime Minister. I would also like to recognise the invaluable work of the Bureau of Meteorology and also the assistance provided by the Australian Defence Force. In recent years, Queenslanders have wondered whether it in fact would rain again. Many Queenslanders could now be excused for asking when will the rain stop, as further rain is forecast across Queensland in the coming weeks.

Following the devastating impact of Cyclone Larry, the government committed to holding an annual summit at the end of the cyclone season. Late last year, I advised parliament that a summit was being planned for April of this year. I can now announce that the Department of Emergency Services will hold a Natural Disaster Summit in Townsville on 22 April. Given the extraordinary events of this year, this summit will have a broader focus than just cyclones. It will now include consideration of our responses to all natural disaster events. The summit will be an important milestone in our planning for natural disasters across Queensland. I will provide more detail on the summit closer to the event.

Water Supply

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (10.05 am): Today I am announcing new arrangements for strengthening the safety and reliability of Queensland's water supplies and for reinforcing the state government's commitment to meeting Queensland's water supply needs. The Office of the Water Supply Regulator is being established within the Department of Natural Resources and Water to oversee these new administrative arrangements. The Office of the Water Supply Regulator will regulate the supply of drinking water and recycled water, including purified recycled water to be provided by the Western Corridor Recycled Water Scheme in south-east Queensland.

In relation to drinking water, the regulatory arrangements will ensure that the risk management principles and recommendations of the Australian Drinking Water Guidelines are consistently applied by all water service providers. With regard to recycled water, the regulatory arrangements will ensure that recycled water schemes in Queensland apply the risk management principles contained in the Australian and Queensland Water Recycling Guidelines.

I expect the Leader of the Opposition will take a particular interest in the recycling aspect of these changes. Although the opposition leader is opposed to recycled water, he is desperately trying to recycle himself through a political reverse osmosis process. After losing two elections and being rolled for the leadership of his party, he expects Queenslanders to believe that we have a purified recycled member for Southern Downs.

Queenslanders cringed with embarrassment when the opposition leader said that fish would change their sex in recycled water. I have caught a few barramundi in my time. They change their sex, but I cannot say that I have ever fished in recycled water. Any attempt by the member for Southern Downs to now recast himself as a green is just as fishy. We know the wacky, pseudo-scientific beliefs are lurking just below the surface of these murky waters. The member for Darling Downs is a great believer in recycling. He started off as an Independent, changed direction to become a National and, given half a chance, will slink across to the newly proposed United Conservative Party.

Queensland Health will set water quality standards for drinking water and certain uses of recycled water, and the new Office of the Water Supply Regulator will regulate compliance with these standards. However, all the water in Queensland—recycled or otherwise—cannot make the members of this opposition new and squeaky clean. They are as stagnant as ever.

Busways

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (10.08 am): The Queensland government's innovative busways construction program means south-east Queensland commuters are spending less time competing with cars on roads. Buses use dedicated, purpose-built busways, relieving congestion and moving people more quickly to where they need to go. As the busway network unfolds, passengers will travel on a bus from one side of Brisbane to the other without having to leave their seat.

Every full bus takes 40 cars off the road. To put that into context, the South East Busway carries 15,000 people an hour to the city in the morning peak. If those people were in cars, that would equate to another 15 lanes being added to the Pacific Motorway.

Let us look at the King George Square reconstruction, where the $333 million Inner Northern Busway is within budget and due for completion midyear, which I am told is six months ahead of schedule. This busway will link buses and trains, and load thousands of people on buses at peak hour. The Inner Northern busway will soon be followed by the $777 million Northern Busway. Section one will make travel between the Royal Children's Hospital and Windsor almost five minutes faster. Eventually, passengers will be able to travel along the northern and inner northern busways and through the CBD up to 20 minutes quicker.

On the other side of town, the $226 million Boggo Road Busway is well underway. Up to 600 buses per day will use this busway, allowing, I am told, 20,000 passengers to change easily between bus and rail services at Park Road Railway Station and access the Gold Coast and Cleveland rail lines. The Boggo Road Busway will see as many as 13,000 passengers get from the eastern and southern suburbs to the University of Queensland up to 10 minutes sooner. In addition to these time-saving innovations, more than 1,800 jobs will be created during construction of the Boggo Road Busway.

We also recently approved designs for a bridge over Ipswich Road in the first section of the $138 million Eastern Busway. This section of the Eastern Busway, due for completion in late 2009, will take even more buses off local roads. The government will continue to emphasise bus and rail linkages so commuters will be able to travel even further across south-east Queensland without competing with cars.

Mental Health

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (10.10 am): The Queensland government takes very seriously the safety of children under the care of parents with a mental illness. National estimates indicate up to 23 per cent of Australian children are living in households where at least one parent has a mental illness. It must be stressed, however, that the overwhelming majority of people suffering mental illness do not present a danger to either themselves or others.

Following the recent tragedy at Bribie Island, Queensland Health has implemented new interim mental health arrangements to enhance the protection of children living with a parent with mental illness. These new safeguards apply to all people receiving care within a Queensland public mental health service, including those on an involuntary treatment order. They require Queensland Health staff to notify the Department of Child Safety of any cases where there is a suspicion that children may be at risk of harm following the discharge of a patient. They require mental health professionals to prepare a child protection risk checklist on admission of any patient with children in their care. They also require a mandatory clinical assessment and child-care plan to be prepared prior to the discharge of patients under involuntary treatment who have responsibilities for the care of children. This assessment must examine the patient's ability to parent the children and address any foreseeable risks of harm to children.

We are also strengthening the monitoring of patients discharged from involuntary treatment orders where the patient has responsibilities for children. Family support plans will be developed identifying the immediate protection needs of a child, as well as their ongoing protection needs in relation to the potential impact of their carer's mental illness. These plans will be developed in collaboration with the patient, their family and key members of their support system. It will allow more regular and intensive monitoring and better support for patients while they are in the community. This contact and support will be provided by mental health professionals including psychiatrists, clinical nurses, social workers and occupational therapists in both community and office based settings.

I want to assure Queenslanders that this government is strongly committed to the welfare and safety of both mental health patients and their families. My department's immediate action in addressing these issues demonstrates that commitment.

Ergon Energy

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Mines and Energy) (10.12 am): The Bligh government has high expectations of its government owned corporations. I have made it very clear in this House that high standards are required to be met from the top of those organisations down. They must perform to best practice. The people of Queensland would expect nothing less.

It is for this reason that last week I held separate meetings with both the Electrical Trades Union and the CEO of Ergon Energy and the chair of the board. The ETU had earlier raised a number of concerns with me. I took those concerns seriously. At my request, the Department of Mines and Energy sought a detailed response from Ergon Energy. Ergon's response is being closely scrutinised by a technical team in my department. I also asked the ETU to formally provide me with documentation in relation to all of their concerns. Those further documents and Ergon's response to them will be thoroughly examined. I will not pre-empt the outcome; I will not second guess. I have demanded an explanation from Ergon. I want the full facts.

Nothing is more important than the safety and health of workers, and the people of Queensland. I have directed that all of these documents be referred to the independent Electrical Safety Office. Ergon Energy has responsibility for a network of around one million power poles, 150,000 kilometres of power lines and more than 300 substations. Ergon Energy also has a responsibility to its 600,000 customers in regional Queensland. That is why last year it spent $660 million on its electricity network, which is $127 million more than the year before. It is in the middle of a five-year capital works program that is delivering a massive $3.2 billion boost to the network. The beneficiaries of a better electricity network are Ergon Energy's customers, from Bamaga to Birdsville and everywhere in between.

Halifax Bay

Hon. AI McNAMARA (Hervey Bay—ALP) (Minister for Sustainability, Climate Change and Innovation) (10.14 am): North Queensland is to get a new national park near Ingham with the transfer of 15 kilometres of state owned wetlands in Halifax Bay to the Environmental Protection Agency for gazettal as national park. The land south-east of Ingham contains a diverse array of virtually untouched wetlands, including estuarine areas, freshwater swamps, salt marshes and sand dunes. The Queensland government recognises that this parcel of land plays an important role in maintaining the health of the reef and sustaining a range of endangered wildlife.

The Halifax Bay wetlands contain significant intact coastal wetlands that support rare and threatened ecosystems, plants and animals. It provides habitat for the endangered mahogany glider and the crimson finch, the beach stone-curlew and estuarine crocodiles, which are all listed as vulnerable under the Nature Conservation Act. The area is also recognised as a nursery ground for reef fish such as barramundi and mangrove jack. The parcel of land contains a diverse wetland aggregation that is important to the community and the environment.

The rates of habitat loss are dramatic for coastal wetlands, with certain catchments along the Queensland coast having lost up to 80 per cent of the original freshwater wetlands. The Environmental Protection Agency will shortly begin the formal gazettal process that will make the area a national park. In total, we will be protecting approximately 4,700 hectares of significant coastal wetlands. It will effectively join up a number of smaller national parks scattered through the area.

The transfer of this land has been made possible through cooperation between the Queensland Wetlands Program, the Environmental Protection Agency and the Department of Natural Resources and Water. I place on the record my thanks to the Minister for Natural Resources and Water, Craig Wallace, for his strong advocacy and support for this project. This is a great example of government departments working together to achieve long-term outcomes for the people of Queensland. The transfer was initiated by the Queensland Wetlands Program, which is a $23 million initiative of the Queensland and Australian governments to protect our coastal wetlands. The Queensland government is delivering $7.5 million worth of work to help Queenslanders manage and protect wetlands across Queensland. The cooperation between the Australian and Queensland governments is delivering great outcomes for the state.

Houghton Highway, Bridge Duplication

Hon. FW PITT (Mulgrave—ALP) (Minister for Main Roads and Local Government) (10.17 am): This month marked a major milestone for the $315 million duplication of the Houghton Highway bridge, because work has now started on this project, which will bring significant benefits to residents of Redcliffe and the northern bayside suburbs of Brisbane. I had great pleasure in joining the member for Redcliffe, Lillian van Litsenburg, and the member for Sandgate, Vicky Darling, at Decker Park this month to announce the start of work.

The successful construction contractor for this important project is the Hull-Albern Joint Venture, which will build a new 2.7-kilometre bridge between Brighton and Clontarf. As well as three traffic lanes, the bridge will feature a pedestrian-cycle path and a fishing platform. The project also includes upgrades to the existing Houghton Highway bridge and its approach intersections, as well as pedestrian-cycle underpasses at both ends of the bridges.

Motorists and passengers in some 36,000 vehicles are commuting back and forth via the Houghton Highway each day. When the new Houghton Highway bridge opens in mid-2010, those people will have a new all-weather access to Brisbane. Once the new bridge opens, the existing Houghton Highway bridge will then be refurbished. All work is scheduled to finish by mid-2011, when commuters will have access to both bridges as well as dedicated lanes for public transport services. While the old, original Hornibrook Bridge will be demolished, its heritage value will be preserved through the refurbishment of the historic portals and reconstruction of short sections at its northern and southern ends.

The community benefits that are expected to flow from these works are quite wide-ranging. This project, when completed, will reduce local traffic congestion and result in shorter travel times. Road safety will be improved. There will be new recreational facilities for pedestrians, cyclists and anglers. On top of this, the iconic Hornibrook Bridge entry portals will be preserved. Initial construction works include the compaction of the ground surface near the future bridge abutment, installation of test bridge piles on the embankment near the site compound and the construction of a seawall in the shallows of Bramble Bay near the existing bridge. This project is another example of the Queensland government's commitment to providing vital road infrastructure throughout the state.

Seniors' Legal Services

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth) (10.19 am): 'Elder abuse' is a phenomenon that has attracted significant attention in recent years. The House of Representatives Standing Committee on Legal and Constitutional Affairs tabled its report entitled *Older people and the law* in September 2007, which highlighted this issue. In July 2007, this government initiated a pilot project for five specialist, multidisciplinary seniors' legal services in July 2007 at a cost of $1.9 million. The services are located in Cairns, Townsville, Hervey Bay, Toowoomba and Brisbane. It is part of the Bligh government's commitment to looking after seniors, who can at times be vulnerable to abuse and exploitation.

I was delighted on Friday, 22 February 2008 to announce $1.91 million to extend the pilot program through 2008-09. These services will continue offering free legal and support services to seniors who have suffered financial exploitation and elder abuse. This continuation of funding will enable service providers and the Department of Communities the best opportunity to finetune operations and make any improvements.

In the first 18 weeks of the pilot, the five services around the state saw 280 clients and delivered community education to 4,768 seniors, which is a very impressive start. Research suggests there is a number of barriers preventing older people from accessing the support they may need. This can include not knowing who to go to for help, as well as feeling shame and embarrassment. The seniors' legal and support services pilot is helping to break down the barriers. Services offered through the pilot include free access to legal information and advice, short-term counselling, individual advocacy, some court support and community education.

International Women's Day

Hon. MM KEECH (Albert—ALP) (Minister for Child Safety and Minister for Women) (10.21 am): International Women's Day is celebrated every year on 8 March. It is a day for women throughout the world to recognise their achievements and unite in working towards a better future. International Women's Day started on 8 March 1857, when women working in clothing factories in the USA staged a protest about their conditions. On the same day some 51 years later, 1,500 women marched in New York demanding better pay, voting rights and an end to child labour. Recognising the importance of these events and the significance of the women's movement in 1977 the United Nations proclaimed 8 March annually as the UN Day for Women's Rights.

Clearly we have come a long way since those days. With Queensland now led by Anna Bligh, our first female Premier, that shows just how far Queensland women have come. But there are many battles women are still fighting. The negative effects of body image is one such issue. For this reason, the Queensland government's theme for International Women's Day in 2008 is 'Queensland Women: Shaping the Future'. This theme aims to inspire women and girls to look beyond appearance, to look into themselves rather than at themselves.

The myth of the 'ideal body' is everywhere—in the media, in the fashion world and in us. In 2007 Mission Australia's annual national survey of young Australians found the most commonly nominated concern was body image. Each year my department's Office for Women supports International Women's Day with free resources that are made available to any individual or organisation in Queensland. A package containing samples of this year's resources has been delivered to honourable members' offices.

As the Minister for Women, I encourage each of my parliamentary colleagues to join with the Bligh government to stand with women in the community, friends and family on 8 March to celebrate women's achievements and work towards a future where women receive due recognition for their ability and significant contribution to society.

Air Services, Regional Queensland

Hon. D BOYLE (Cairns—ALP) (Minister for Tourism, Regional Development and Industry) (10.23 am): The Queensland government's dedication to providing air access to regional Queensland is paying significant dividends. As of January this year, every major Queensland airport saw an increase in seat capacity. Significantly it was the state's regional airports that led the way, including Mackay up 14 per cent, Rockhampton up 15 per cent, Townsville up 11 per cent, Hervey Bay up 17 per cent, Mount Isa up 26 per cent and Emerald up 15 per cent.

Air access is extremely important for regional communities, particularly for growing business and tourism. Latest ABS figures show unprecedented growth in regional Queensland, with as much as 88 per cent of this growth from interstate migration. Tourism Queensland and the department of regional development and industry are working on marketing and airline attraction programs to open up regions to new services. Over the past year these programs have been responsible for attracting new carrier Tiger Airways while increasing flights with existing low-cost carriers Jetstar, Virgin Blue and Qantas. Most recently, Queensland based airline Virgin Blue announced direct flights from Mackay to Sydney, increasing tourism opportunities for Mackay and the Whitsundays. Jetstar has also committed additional Melbourne to Sunshine Coast services.

I congratulate Cairns based company Regional Pacific on starting commercial flights between Mount Isa, Cairns and Townsville. Recently I had the privilege of announcing the new air service contracts under the government's regional qconnect transport initiative. This initiative is a $4.8 million annual government commitment to guaranteeing affordable air access to Queensland's most remote regions for at least the next five years.

Mr Lucas: No other state does it.

Ms BOYLE: As the minister says, no other state does it. The 10 contracted air service routes will be provided by QantasLink and MacAir. In fact, price cuts have been negotiated on six of the 10 routes representing savings of up to 43 per cent.

The good news for people in rural and remote areas is that under the new improvements negotiated by the government they will get faster and more comfortable aircraft, lower airfares and more frequent flights. All increases are testament not only to the work being undertaken to lure airlines to the state but also year-on-year improvements in infrastructure and the important growth that is occurring across the regions of Queensland.

INVESTIGATION INTO ALTRUISTIC SURROGACY COMMITTEE

Membership

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (10.26 am), by leave, without notice: I move—

1. That in addition to the appointment of Mrs Lavarch (Chair), the following six members be appointed to the select committee known as the 'Investigation into Altruistic Surrogacy Committee', established by resolution on 14 February 2008 and effective from 26 February 2008:

   Ms Darling
   Mr Foley
   Mrs Menkens
   Mr Moorhead
   Mrs Stuckey
   Mr Wettenhall

2. That this resolution has effect not withstanding anything contained in Sessional or Standing Orders.

Question put—That the motion be agreed to.

Motion agreed to.

TRAVELSAFE COMMITTEE

Membership

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (10.27 am), by leave, without notice: I move—

The Member for Bulimba, Mr Purcell, be discharged as a member of the Travelsafe Committee and the Member for Mansfield, Mr Reeves, be appointed as a member of that Committee.

Question put—That the motion be agreed to.

Motion agreed to.

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs SULLIVAN (Pumicestone—ALP) (10.27 am): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 2 of 2008*.

Tabled paper: Scrutiny of Legislation Committee Alert Digest No. 2 of 2008.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Reports

Ms PALASZCZUK (Inala—ALP) (10.27 am): I table report No. 85 of the Members' Ethics and Parliamentary Privileges Committee, titled *Report on a citizen's right of reply No. 18*, and report No. 86, titled *Mid-term review: registration of interests*. I commend these reports and their recommendations to the House.

Tabled paper: Members' Ethics and Parliamentary Privileges Committee Report No. 85 titled 'Report on a Citizen's Right of Reply No.18'.

Tabled paper: Members' Ethics and Parliamentary Privileges Committee Report No. 86 titled 'Mid-Term Review: Registration of Interests'.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Report

Mr HORAN (Toowoomba South—NPA) (10.28 am): As acting chair of the Members' Ethics and Parliamentary Privileges Committee for this matter, I table report No. 87 of the Members' Ethics and Parliamentary Privileges Committee, titled *Matter of privilege referred by the Speaker on 11 October 2007 relating to the alleged deliberate misleading of Estimates Committee E*. I commend the report and the committee's recommendation to the House.

Tabled paper: Members' Ethics and Parliamentary Privileges Committee Report No. 87 titled 'Matter of Privilege Referred by the Speaker on 11 October 2007 Relating to the Alleged Deliberate Misleading of Estimates Committee E'.

REPORTS

Office of the Leader of the Opposition

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.28 am): I lay upon the table of the House the public report on the expenses of the office of the Leader of the Opposition between 1 July 2007 and 31 December 2007.

Tabled paper: Public Report of Office Expenses, Office of the Leader of the Opposition for the period 1 July 2007 to 31 December 2007.

Office of the Leader of the Liberal Party

Mr McARDLE (Caloundra—Lib) (10.28 am): I lay upon the table of the House the public report on the expenses of the office of the Leader of the Liberal Party for the periods 1 July 2007 to 4 December 2007 and 6 December 2007 to 31 December 2007.

Tabled paper: Public Report of Office Expenses, Office of the Leader of the Liberal Party for the period 1 July 2007 to 31 December 2007.

QUESTIONS WITHOUT NOTICE

Ministerial Standards

Mr SPRINGBORG (10.30 am): My first question is to the Minister for Child Safety and Minister for Women. I refer the minister to a front-page headline which states 'Premier warns MPs: behave or you're out'. The article states—

'I will be laying down the law,' declared the new Premier.

As someone who has publicly denounced bullying, and being mindful of the Premier's alleged tough ministerial standards, was the minister one of the MPs in the Labor Party caucus yesterday who clapped and cheered the member for Bulimba?

Mrs KEECH: I thank the honourable member for the question. When it comes to supporting the member for Bulimba there are a few comments I can make. The member for Bulimba has paid a very heavy price for the mistakes that he has acknowledged. He has acknowledged those mistakes. Through legal mediation those mistakes have been acknowledged to the complainants. I do support the member for Bulimba when it comes to being one of the hardest working members of this parliament. He has paid a very high price. He is no longer a member of the Bligh ministry, but he continues to work hard in his electorate.

Given that the question has been directed to me as child safety minister, when it comes to protecting the most vulnerable children in our community what we need is more role models—more role models like the member for Bulimba as a parent and a grandparent working to focus not only on family support but also community support. When it comes to families under stress we know that one of the major areas that they struggle in is that they lack family and community support.

I make no apologies whatsoever for supporting the Premier in acknowledging that the member has paid a very high price and at her request he will no longer be contesting the next election, but I do acknowledge his hard work as a local member and I do acknowledge the great role he has played as a father of five and grandfather. I also acknowledge the wonderful support of his wife, Margaret, in raising those five children.

Ministerial Standards

Mr SPRINGBORG: My question without notice is to the Attorney-General and Minister for Justice. I refer the Attorney to this front-page headline which states 'Premier warns MPs: behave or you're out'. The article states—

'I will be laying down the law,' declared the new Premier.

When the new Premier allegedly laid down the law on ministerial standards, what were her instructions about workplace bullying? Did she cite the case of the member for Bulimba in that briefing?

Mr SHINE: The honourable member for Bulimba is known to me as a good and decent man, a person that most people opposite—indeed, all people in this House—could aspire to in terms of conduct generally speaking. The attitude of the Premier, the previous Premier and the government to bullying is well known. It is on the record and is something that we should all endeavour to comply with.

Starlight Children's Foundation

Ms MALE: My question without notice is to the Premier. It is acknowledged that the Starlight foundation charity does a lot of good work in Queensland. Can the Premier advise the House of any support provided by the government?

Ms BLIGH: I thank the member for the question. The Starlight foundation was established in 1988. It provides a number of services in hospitals across Queensland to brighten the lives of seriously ill and hospitalised children. Our government has always been a strong supporter of the foundation. Last year I was very pleased to announce that it would share in a $10 million partnership with our Golden Casket Lottery Corporation and Tattersalls.

But, of course, for the members opposite the Starlight foundation is nothing more than a political cover-up and a political punching bag. Who can forget that last year the member for Beaudesert, in a shameful attempt to cover up his absence from this parliament, told the people of Queensland that he had been overseas fundraising for this foundation and it was forced to come out and deny this.

Mr LINGARD: I rise to a point of order. I have written to the *Courier-Mail* saying that the *Courier-Mail* report was incorrect. I ask the Premier to respect the fact that the *Courier-Mail* has not printed my request to it. What was said by the *Courier-Mail* was completely untrue and I have written to it.

Mr SPEAKER: You have risen on a point of order but you have not asked the Premier to withdraw.

Ms BLIGH: Maybe he thought it was a Dorothy Dixer. I can be forgiven for thinking this of the member for Beaudesert because, of course, the member for Beaudesert has form in this place. Those who are new members should know that he was originally known as 'Black Label Kev'.

Mr Springborg interjected.

Mr SPEAKER: Leader of the Opposition!

Ms BLIGH: After that he was forced to repay $20,000 for an overseas trip that he went on on an unauthorised basis. He was then sacked on Black Friday, 13 February, for disgraceful and scandalous misuse of his own credit card and misuse by his staff. But guess what? He sits in this chamber. He has been the endorsed National Party candidate—not once, not twice, but four times since 1998, when he was sacked.

Mr Springborg: Has he been criminally charged?

Mr Lucas: That's the standard: has he been criminally charged?

Mr SPEAKER: Can I indicate to all honourable members today, I do ask you to act with decorum and dignity. I know that we are discussing issues that bring about emotions, probably on both sides of the parliament, but I would ask you to act with some dignity and decorum. I call the Premier.

Mr SCHWARTEN: Mr Speaker, in view of the interruptions, I ask that you make a ruling on allowing the Premier to continue.

Mr SPEAKER: I will not make a ruling on that. Can I just say that at this stage I have warned members not to interject. It is in your hands, I think, if you want to ask for an extension of time.

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (10.37 am): I move—

That the Premier be granted an extension of time.

Mr Springborg: You still have a minute.

Mr SPEAKER: Excuse me, please. I know that some of you—

Mr Hopper interjected.

Mr SPEAKER: Excuse me, member for Darling Downs. If you continue to disrespect the—member for Darling Downs, I am talking to you. I would not mind having some eye contact with you. Can I just say to you that if you continue to disrespect the chair you will be dealt with. A motion has been moved that the Premier receive extra time.

Question put—That the motion be agreed to.

Motion agreed to.

Mr Lingard: I didn't collapse into Steve Bredhauer's arms.

Ms BLIGH: I beg your pardon?

Mr SPEAKER: Member for Beaudesert! I call the Premier.

Ms BLIGH: What are you talking about? You poor old man. You poor old man. I take the earlier interjection from the Leader of the Opposition, who claimed that criminal charges should be some standard by which members should be disendorsed by their party. I recall that at the end of 2000 there was a member of this chamber who was charged with a criminal offence. He was charged with assault occasioning bodily harm. He pleaded guilty to this charge. Who was the complainant in the case? It was a brothel kingpin who was involved in highly improper conduct with the member's wife, allegedly. That, of course, was the former member for Broadwater. He was charged with assault causing bodily harm. Was he endorsed as the National Party candidate? Yes, he was. Did he make an apology? No, he did not.

Mr Springborg interjected.

Ms BLIGH: Who was a member of the cabinet? Who was in the senior leadership of the National Party when Allan Grice was endorsed as the National Party candidate for Broadwater after breaking someone's nose? The member for Southern Downs! When the member for Southern Downs had the chance, when he was in a leadership position in government, to apply the standards that he is suggesting should be applied here, he failed his own test.

Mr Springborg interjected.

Mr SPEAKER: I warn the Leader of the Opposition. Your colleague beside you is trying to ask a question. I call the member for Caloundra.

Ministerial Standards

Mr McARDLE: My question is to the Attorney-General. I bring to the Attorney's attention a newspaper article which reads in part, 'Premier warns MPs behave or you're out. I will be laying down the law.' I note the Premier's admission this week that a Labor MP lied in public about allegations of bullying. When the Premier allegedly laid down the law to the minister about lying, what did she say specifically were the standards required by her ministerial colleagues and MPs on that side of the House?

Mr SHINE: This Premier, like the former Premier, requires the highest standards of ministers of this government.

Electoral Boundaries

Mr FINN: My question without notice is to the Premier.

Mr Gibson interjected.

Mr SPEAKER: I warn the member for Gympie.

Mr FINN: My question without notice is to the Premier. Can the Premier advise of the time lines of the upcoming electoral redistribution?

Ms BLIGH: I thank the honourable member for the question. I am pleased to advise the House that the Electoral Act 1992 requires the Queensland Redistribution Commission, when the need arises, to redistribute the state into electoral districts. I am advised that the draft electoral boundaries will be released in mid-April. There will then be a statutory 60-day consultation period. I expect the final boundaries, on the advice of the commission, to be concluded in mid-July.

It will be in mid-July that we will see the first real test of leadership for the Leader of the Opposition. As I have just said to the House, he failed his own test in relation to the member for Broadwater when he sat next to him in the party room when he was a member of the cabinet in 1998. He failed the same test in relation to the then member for Barambah, who had been sacked in scandalous circumstances and became the endorsed National Party candidate in 1998.

He has failed the same test in relation to the member for Beaudesert on no fewer than four occasions—1998, 2001, 2004 and 2006. Who has been the National Party endorsed candidate for Beaudesert? The disgraced Mr Lingard. Who has been the endorsed National Party candidate for the seat of Warrego on the same four occasions? The member for Warrego, Howard Hobbs, was endorsed over and over again despite being sacked, again, in scandalous circumstances.

When the member for Callide told the people of Queensland that his dishonesty was a National Party tactic and he would not apologise for it they made him leader. We have five failures by the Leader of the Opposition and three of them he can rectify this July. There they are—the millstone around the neck of the member for Southern Downs. We have Curly, Larry and Moe. Of course, over in the leadership team—

Mr Copeland interjected.

Mr SPEAKER: Order! Can I just say to the member for Cunningham and all of the members on my left—

Mr Malone interjected.

Mr SPEAKER: I will not take any more of your interjections, member for Mirani. You say them loud enough so that your colleagues can hear them but no-one else can. Let us let the Premier get on.

Mr Lawlor: We're thankful for that.

Mr SPEAKER: I am sure some are. I call the Premier.

Ms BLIGH: It is now a well-known fact that the member for Bulimba has indicated that he will not be standing again as the Labor Party candidate for the seat of Bulimba. I call on the member for Southern Downs to show real leadership and make sure that the member for Warrego, the member for Beaudesert and the member for Callide are not the National Party endorsed candidates for the new boundaries in the election due to be held in 2009. As we heard over and over in this House last sitting, actions speak louder than words.

Mr SPEAKER: Before I call the member Maroochydore, can I welcome to the parliamentary gallery teachers and students from Mitchelton State High School in the electorate of Ferny Grove, which is represented in this House by the Minister for Mines and Energy, Mr Geoff Wilson.

Local Government

Miss SIMPSON: My question is to the Minister for Main Roads and Local Government. The minister's predecessor sacked the Johnstone Shire Council because the council had 'been at the centre of highly public allegations of infighting and bullying'. Given that the minister can sack an entire council for allegations of bullying, how would he handle a council that actually confessed to bullying?

Mr SPEAKER: Before the minister answers, I indicate to the member for Maroochydore that I am going to let this question go but I warn anyone asking hypothetical questions that I will rule them out of order. This is, to some extent, hypothetical but I will let this one go with the warning that I will not be letting others go.

Mr PITT: I thank you, Mr Speaker. I agree with you, this is one of those cases that could feature on the program *Hypothetical* because the member has not nominated what council into the future. Can I tell members that I believe in three things when it comes to governance and elected representation. One is integrity, the second is accountability and the third is transparency. I believe in those very strongly.

I thank my predecessor, the former minister for local government, for his actions in respect of the Johnstone Shire Council. It happens to be in my electorate, as members would well know. The Johnstone Shire Council was dysfunctional. That was the reason it was dismissed. It had lost the confidence of the people of the Johnstone shire. It was quite proper for the minister of the day to exercise his powers to have the council dismissed.

Should in the future we have a council behaving in a similar way I would also give due consideration to taking a similar course of action. As to the member's question, it is hypothetical and I think in that context I have probably answered it as best I can. I would ask the member to remember three things: integrity, accountability and transparency. Have a look around you and make sure that the people sitting with you can meet those high standards.

State Budget

Mr WEIGHTMAN: My question without notice is to the Treasurer. The Treasurer has been extremely clear that this year's budget will possibly be the toughest we have faced in some time. This government has a completely transparent record in relation to the funding of the myriad projects currently underway. Can the minister outline for this House how those opposite will pay for their plans in today's economic climate?

Mr FRASER: I wish I could but I cannot. The fact of the matter is that we are yet to be let into the great secret of what it is the opposition might do should it return to government. We are yet to be let into the secret of how it might pay for anything that it proposes to do in the next election. The opposition has not been short of a couple of promises lately. We have had everything from boot camps to more funding for mosquitos in north Queensland but nary a dollar attached. Because we do not know what the opposition would do in terms of the state budget—in terms of funding for anything—we can always go back to the past. After all, that is what it did.

Let us go back to look at some of its old policies about how it managed the budget. Let us recycle some of its old policies. Would it be the famous capital works freeze of the last National and Liberal government where it pulled up stumps, pulled on the handbrake and said, 'That's enough. We are going to put a stop to every single project across Queensland and do nothing'? Would the opposition stop the Gateway Bridge upgrade? Would it stop Airport Link? Would it stop the bridge duplications at Mackay? Would it be a return to the last time the National and Liberal parties were in government in this place? Those are valid questions.

Perhaps we do not need to go that far back in history. We only need to go back as far as the last election where the centrepiece of the election campaign of the Leader of the Opposition—in his second iteration as opposition leader—was to abolish all the way stamp duty. This was the Dennis Denuto policy of the last election. When asked how he would plug that hole he said, 'I think it will take care of itself. The natural growth will take care of it.' It was probably in the vibe.

But in order for the Leader of the Opposition to abolish transfer duties, how would he pay for that hole? Perhaps he could get rid of some 38,600 public servants. Perhaps he could Borg 21,000 teachers. Perhaps he could Borg 13,000 nurses. Perhaps he could Borg 4,600 police. That would get to $3.2 billion, which is what transfer duty puts into the state budget.

Mr Copeland interjected.

Mr FRASER: I take the interjection from the Leader of Opposition Business because the opposition is on notice about this one. It has no excuse to not come up with it, frankly. When it comes to transfer duty abolition, if he went the whole way, as the Leader of the Opposition said he would the last time, and got rid of every single duty he would have to Borg 28,310 teachers, Borg 17,560 nurses or Borg 6,200 police.

Ms Bligh: That's an awful lot of Borging!

Mr FRASER: It is a dreadful lot of Borging. As they say in *Star Wars*: exterminate! But let us go to the future. Let us imagine that those opposite win government, and if they ever resolve who is going to be the Premier they might then resolve who is going to be the Treasurer and maybe it will be the Leader of the Liberal Party. In that case, they can have a fantastic new mortgage scheme. They can go out there to the old people—to the pensioners of Queensland—and say, 'Give us your money because that's the way we're going to pay for the budget.' That would be the way that they would fix the hole.

Ministerial Standards

Mr COPELAND: My question is to the minister for child safety and women. In her inaugural speech to parliament, the Premier spoke strongly about violence against women and applauded the banning of the cane from our school classrooms by saying—

> This situation did little or nothing to teach our sons about the appropriate ways for men in our community to deal with conflict. In fact, it sent the unequivocal message to those boys that men hit out.

Minister, if keeping the cane in classrooms sent the wrong message to our children about violence, what message does it send to our children to keep a confessed liar and bully in the Labor Party?

Speaker's Ruling, Question Out of Order

Mr SPEAKER: I rule that question out of order under standing order 115. I call the member for Stafford.

Bligh Government Members

Mr HINCHLIFFE: Mr Speaker, considering the opposition's considerable interest, my question is to the Premier. Can the Premier advise the House of the ethical standards she requires of her members?

Ms BLIGH: I thank the honourable member for the question. There is nothing more nauseating than being lectured on ethics by the Queensland National Party, because it has such an appalling record on this issue. I am very pleased to have an opportunity to make it absolutely clear that I require a number of things of the members on my team. Firstly, I require them to have the highest possible standards of behaviour and to recognise that they are role models and they should lead by example in their communities. But I also acknowledge that they are human. Where they make mistakes, I expect them to acknowledge those mistakes, I expect them to apologise for those mistakes and, where those mistakes warrant it, to face any legal consequences that they must satisfy and any political consequences where that is appropriate.

I note a number of things here this morning. Firstly, the opposition does not want to ask me a question about any of these matters despite telling the people of Queensland for days that that is what it would be doing. Secondly, I do acknowledge that members of my caucus did show their support at a caucus meeting yesterday for the member for Bulimba, and do members know why? Because he did the right thing. That is why. He took the tough decision that in the 12 years I have been in this chamber nobody on that side of the House has ever been prepared to take. He took the tough decision, and he did the right thing. The lack of leadership on this issue over decades in the Queensland National Party and its cronies, the Queensland Liberal Party, speaks volumes. I repeat my challenge to the member for Southern Downs: rise up to the standards that have been set on this side of the House and make sure that the member for Warrego, the member for Callide and the member for Beaudesert are not endorsed when you run your preselections later this year.

The standard over here is clear: acknowledge and apologise and take the consequences. The standards over there are to hide and re-endorse and hang on. During our last sitting week 13 February was the 10th anniversary of 'Black Friday'—the Friday the 13th when the then Premier, Mr Rob Borbidge, had to sack in scandalous circumstances the member for Warrego and the member for Beaudesert. So 10 years they have hung on to their place in this chamber. There has been no leadership from that side. Leadership is about action, not words. Unless the member for Southern Downs acts on these members, he has no credibility.

Mareeba Hospital

Ms LEE LONG: My question without notice is to the Minister for Health. Minister, despite far-north Queensland public hospitals getting the tick of approval recently, nine of Mareeba's GPs who support the Mareeba Hospital have described conditions at the Mareeba Hospital as 'close to spiralling out of control', stating that patients are now being put at potentially fatal risk due to overworked staff and a lack of patient beds. Given that there is a duty of care for Queensland Health to provide adequate staff and

enough beds to meet public need, I ask: now that we have wall to wall Labor governments, when and how will the minister and his government urgently address this potentially fatal situation confronting staff and patients at the Mareeba Hospital?

Mr ROBERTSON: I thank the member for the question. I take this opportunity to assure the people of Mareeba that delivering better health services for the local community is a key priority for the state government. That is why Queensland Health is currently doing clinical service planning and master planning for the Cairns and Hinterland Health Service District, including hospitals at both Mareeba and Atherton. This planning will identify what new and improved health services and infrastructure are necessary to meet the demands of a growing and ageing population. Once these plans are complete, these draft plans will be presented for consultation and feedback by key stakeholders before final options and recommendations are presented to the state government.

But of course things are already happening to improve health services at Mareeba. This hospital's budget this year is a record $11.02 million, nearly $2 million more than last year—a 20 per cent increase over last year. The hospital has more doctors, nurses and allied health professionals with more on the way, including two extra doctors. The west ward is undergoing an $800,000 refurbishment scheduled for completion this month and there is a planned upgrade of staff quarters. Bed issues at Mareeba Hospital are about availability, not shortage. The hospital's 45 beds have an average 70 per cent occupancy rate. So overall, beds are not the issue. Availability of those acute beds to patients who need them is the challenge.

That is why I share Dr Bestman's frustration that acute hospital beds at Mareeba are being taken up by elderly patients waiting to be placed in nursing homes. This situation is a direct result of the previous Howard government's failure to provide sufficient residential aged-care places for Queensland. On any one day in Queensland, one in 15 acute public hospital beds is occupied by an elderly person waiting for a place in a residential aged-care facility. These are aged and frail people who have already spent 35 days occupying that hospital bed before we count them. The overwhelming majority of these patients do not need to be in hospital but have nowhere else to go. That is why I welcome the Rudd government's election commitment to invest up to $300 million in loans to build or expand residential and respite aged-care facilities. This initiative will provide up to an additional 2,500 aged-care beds nationally. It will also help ease pressure on our public hospitals by freeing up acute beds for patients who need them.

The Rudd government has committed to investing a further $158 million over five years to provide 2,000 additional transitional care beds for older Australians, of which Queensland would expect to be allocated approximately 400 places. So I reject any suggestion that either the Bligh government or the Rudd government are ignoring the health issues in communities such as the tablelands. What I have just outlined is a comprehensive plan to improve services now and into the future.

Mr SPEAKER: Before calling the member for Burleigh, I welcome to the parliament students and teachers from the St Thomas More Primary School on the Sunshine Coast in the electorate of Noosa, which is represented in this House by Mr Glen Elmes.

Gold Coast, Rail Services

Mrs SMITH: My question is to the Minister for Transport, Trade, Employment and Industrial Relations. Like most southern Gold Coasters, I am looking forward to the arrival of a rail service to Varsity Lakes and ultimately to Coolangatta. Can the minister advise the House of the extensive rail infrastructure projects that will make travel to and from the Gold Coast quicker and easier?

Mr MICKEL: I thank the honourable member for Burleigh for her question. Of course the Robina to Varsity Lakes project—and she was there when we announced the project—is well and truly underway. It is $332 million worth involving 4.1 kilometres of rail extension. This is on top of that magnificent intermodal we saw the week before last at Robina where we had the rail and bus at Skilled Stadium. Last week I was with the minister for energy when we announced the triplication and completion of the line to Grovely station, worth $42 million. Coming on stream soon is the Kuraby to Salisbury triplication of the rail track. Recently I was with the member for Mount Ommaney and the member for Inala when we announced the Corinda to Darra upgrade, which will mean express trains for the people of Ipswich, better services for all of the people on that track and, of course, the long-awaited rail line to Richlands.

But in the face of this massive infrastructure growth I could not help overlook this comment—

> We have not seen any great or significant change to the suburban rail network in the last 30 years.

Who said that? It was said in this place on 12 February this year. In 30 years, nothing has happened. That is from 1978, which includes a few years of the National Party government. Who would have been asinine enough to say that? Who would have been dishonest enough to say that? None other than the Leader of the Opposition! A few weeks ago he said that he had been on a rail trip to the Gold Coast. If there had not been any infrastructure upgrade in 30 years, how in heaven's name would he have got down there? The former National Party government was the genius that ripped up the rail

line in the 1960s. How does the Leader of the Opposition think he got down to the Gold Coast? Did he walk? The former National Party government sold off the track and it sold off the corridor. That was that government's commitment to transport. It also shows the bleeding obvious: how would the members opposite fund transport infrastructure with less taxation? Who would pay for it? The man on the moon?

I have seen the Leader of the Opposition reinvent himself a couple of times now, and always on the eve of losing an election down go the taxes and up go the services—

Mr Robertson: And off comes the shirt.

Mr MICKEL: And off comes the shirt. I will say this to the House: I cannot match the Leader of the Opposition when it comes to off goes the shirt. However, on behalf of this government I can match him—and more than match him—when it comes to the upgrade of transport services, particularly in those rail corridors. There was 30 years of indolence on the part of the previous National Party Government and 20 years of action on the part of this government.

Workplace Bullying

Mrs MENKENS: My question is to the Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth. In August 2006 the former Premier said—

Every member of the community, and that includes politicians, has a role to play in preventing workplace harassment. Workplace bullying is un-Australian and will not be tolerated by my government.

As the minister responsible for communities and domestic violence, can she advise the House whether such practices are un-Australian? Will the minister advise the House how she will go about helping to expel workplace bullies from the Labor Party as well as from her department?

Ms NELSON-CARR: The first thing I would like to say is that if the member has any reason to suggest that there is any bullying in my department I would really like to hear about it, because it is not something that I condone and nor does my department.

The member for Bulimba has demonstrated a human tendency, or a human foible, and has made a mistake. He has paid an enormously high price for that mistake. He has lost his ministry and he has had to endure—and the member for Burdekin surprises me—a disgraceful political campaign by all of the members opposite who are calling for some kind of penalty. When we consider their history, which has been exposed in the full light of day today, we find that they are calling for some kind of penalty that is grossly disproportionate to the member's actions.

I have always admired the member for Bulimba's passion. He has a huge heart for the battler. Since coming to this place he has fought tirelessly for the electors of Bulimba and for the good of all Queenslanders, particularly those Queenslanders who struggle on our streets. He is a strong advocate who gives no quarter when he believes in something. Unfortunately, that passion may well have contributed to his recent actions. However, I for one refuse to join this absolutely sanctimonious chorus opposite that is calling for blood.

Separation of Powers

Mr WELLS: My question is to the honourable Attorney-General. Can the Attorney-General inform the House of his department's approach to the doctrine of the separation of powers and to the associated but different issue of respect for the independence of statutory authorities?

Mr SHINE: I thank the honourable member for the question. The doctrine of the separation of powers refers to a system of government with three core functions: the legislature, or the parliament, which makes the laws; the executive, or the ministers and the government, which administer the law; and the judiciary, being the courts and the judges, which interpret the law. Each branch is confined to the exercise of its own functions and must not encroach upon the functions of the other branches.

For many years the opposition has struggled to understand this basic principle. I note, as outlined in his recent speech, that the Leader of the Opposition has been using the Google search engine in an attempt to find policies. Maybe he should type in 'separation of powers' to gain some idea of the concept. Who could forget former Premier Bjelke-Petersen's explanation of the doctrine of the separation of powers in the Fitzgerald inquiry—

Well, the separation of the doctrine that you refer to, in relation to where the Government stands, and the rest of the community stands, or where the rest of the instruments of Government stand. Is that what—?

Despite Sir Joh's 19 years experience as the Premier of Queensland, he was unable to explain the doctrine to the inquiry. Quite simply, Joh had no idea. This side of the House will not be lectured about parliamentary standards by the same National Party which presided over the most unaccountable period of government in Queensland's history: no freedom of information laws, no parliamentary oversight committees and no appreciation for the role of independent statutory authorities.

Just as members of the National Party do not understand the separation of powers, they do not understand the constitutional propriety relating to statutory office holders. Unlike the National-Liberal parties, we do not treat independent statutory authorities as playthings—like the coalition did with the Queensland Electoral Commission. Clearly, things have not changed. Only last week the member for Caloundra called for the sacking of another independent statutory authority, the Director of Public Prosecutions. One would think that someone who wants to be Attorney-General would at least consult the relevant legislation to determine if what he was calling for was actually possible. I can inform the member for Caloundra that the appointment of the DPP can only be terminated for misbehaviour, physical or mental incapacity, bankruptcy or extended absence from work. It gets even better. The member for Caloundra has run to the media—

Mr McArdle interjected.

Mr SPEAKER: I warn the member for Caloundra.

Mr SHINE: He has claimed that I have stalled the release of a two-year internal review by the Office of the DPP into sex crimes in the cape. One might ask the member for Caloundra: to which review is he referring? The only review of this kind has been carried out by the independent Mr Peter Davis SC, who along with the—

Time expired.

Workplace Bullying

Mr JOHNSON: My question is directed to the Minister for Police, Corrective Services and Sport. In October last year the minister stated—

> Workplace harassment is an extremely unpleasant and harmful experience for the victims—and is not tolerated in any Queensland government department whether it is in the form of bullying, verbal, or sexual harassment. We simply cannot and will not tolerate this practice in our society.

I applaud the minister's tough words that bullying should not be tolerated in any part of our society. As the police minister, will she inform the House of any organisation that has kept a confessed workplace bully among its membership?

Ms SPENCE: I thank the member for Gregory for the opportunity to say a few words on this subject in the House today. I say welcome back to the member for Gregory and I thank him for the question.

I have attended a lot of functions in the last week or so since the member for Bulimba made his apology. I have been to Cairns, I attended three well-attended functions on the Gold Coast on the weekend and I have been to a number of schools in my electorate. I would have to say that on not one of those occasions has anyone mentioned to me anything—positive or negative—about the member for Bulimba. So if members opposite think this is a subject that is hot on the lips of Queenslanders and therefore think it should be their strategy for today, they are missing the mark on this one.

In fact, the only time anyone mentioned the member for Bulimba to me in the last week was when I went into his electorate—to Colmslie—last Friday night to see the Hockeyroos play against Great Britain. There were a number of people from his electorate at that function. They spoke positively about the member for Bulimba and his contribution as a local member of parliament.

I think we all acknowledge that we live in the lucky country. One of the reasons we do live in the lucky country is that we are a civilised people whose laws are given due judgement, where generally the punishment fits the crime. We as legislators, who sit here year after year as elected members of parliament, do have to contemplate these issues on a regular basis. We want to get it right. We want to make sure the punishment fits the crime.

Do I think the punishment fits the crime in this particular instance? Indeed, I do. The two complainants in this case—those who were offended against—believed an apology was a satisfactory punishment for the member for Bulimba. If they agree that that was a satisfactory punishment, I am prepared to go along with that. They were the ones who were offended against, not us.

Is this an appropriate punishment in the Public Service? I have asked the police commissioner and my directors-general what would happen in a Public Service organisation if this incident occurred there. Indeed, it has occurred in the Police Service in the past four years since I have been the minister. The appropriate punishment has been demotion and loss of pay points, and that is exactly what Mr Purcell has gone through—

A government member: And an apology.

Ms SPENCE: And an apology. I know it suits the member's political purposes to turn this into some hysterical exercise, but we will not. The Premier has taken appropriate action. I believe that most Queenslanders would agree with her. I believe that Mr Purcell made a huge mistake. He has paid the price. All of us who know Mr Purcell know that this is not his normal course of behaviour. He does not normally act in this fashion. It was one mistake and he has paid the penalty.

Real Property Constructions

Mr BOMBOLAS: My question is to the Minister for Public Works, Housing and Information and Communication Technology. I have received correspondence from a Mr Kevin Young of The Investors Club in which it is claimed that the QBSA has misled the minister with regard to its association with the now failed company Real Property Constructions. I ask: has the minister sought an assurance from QBSA that the information it has provided is accurate?

Mr SCHWARTEN: I thank the honourable member for the question and for his representations to my office after receiving that correspondence. The answer is yes, I did take the time to double-check this with the Queensland Building Services Authority. It stands by the advice that it provided me previously. In fact, it has provided me with a number of invoices which lay proof to the claim that there was a rort going on and that people were paying $23,000 on a $200,000 home. I table those for the benefit of the parliament.

Tabled paper: Bundle of financial documents relating to payments by Real Property Constructions Pty Ltd.

Tabled paper: Copy of a Real Property Constructions Pty Ltd voucher payment to Asian Pacific Reality.

Also, I did some checking on the particular company to which the member refers and I notice that Mr Neil Jenman, a long-term consumer advocate, had this to say about The Investors Club. He said—

The Investors Club is not a club, but a marketing organisation which receives enormous fees for flogging properties for developers.

Describing it as a club is as misleading as those other spruikers ... calling their companies 'institutes'. It's all part of the legitimate look that spruikers manufacture in order to lure consumers.

They are the words of Mr Jenman and they are on the public record. As I understand, no action has been taken against Mr Jenman for making those utterances.

I have asked the Building Services Authority—and they have a bit on in Mackay at the moment—to go back through the records. I understand that since May last year The Investors Club has not had anything to do with RPC, and we will advise the House on that.

Unfortunately, the Leader of the Opposition is absent at the moment. I have a couple of questions to ask him about wealth creation companies. Sitting right next to him is the member for Caloundra, who has some experience with wealth creation companies. There is a woman, Joyce Baker, who is very keen to talk to him because he got $60,000 off her and took seven years to pay it back. She is an old lady—72 years of age.

I want to know if the Leader of the Opposition had a conversation with the member for Caloundra to get to the bottom of this claim. An amount of $30 million disappeared and the member for Caloundra was the compliance director of the company. What does that say about him? Where is the conversation that the Leader of the Opposition has had—

Mr McARDLE: I rise to a point of order. I find the words of the minister offensive and I ask that they be formally withdrawn without reservation.

Mr SCHWARTEN: I withdraw. I have plenty more to say. The fact of the matter is that the conversation that the Leader of the Opposition needs to have is with Joyce Baker and a number of other people—and I will give him their phone numbers—to satisfy himself that his would-be first law officer is a person of integrity. Joyce Baker thinks he is as crooked as a dog's hind leg.

Mr SPEAKER: Minister, what you have said is unparliamentary and I ask you to withdraw.

Mr SCHWARTEN: I withdraw.

Queensland Government, Investment Returns

Dr FLEGG: My question without notice is to the Treasurer. I refer to the Premier's admission that the Queensland government has lost money as a result of the US subprime market crisis. How much money has his government lost?

Mr FRASER: I thank the shadow Treasurer for his interest, finally, in the effects that the global financial situation is having upon the budget of Queensland, the budgets of many other states and the budgets of many corporations. It is no secret that Queensland has enjoyed generations of good financial management and—I am the first person to say—by both sides of politics in some regards. Those generations of good financial management have seen us as the only state of Australia and one of the few governments, if not the only government, in the Western World that has all of its long-term superannuation liabilities fully provisioned. That money is invested at the Queensland Investment Corporation. That means that when that money is invested on the market we are susceptible to the outcomes of what is occurring on the global market.

If the shadow Treasurer had picked up his copy of the *Australian Financial Review* this morning he would have seen on the front page, and then going further inside, some details of what superannuation funds generally around Australia are facing at the moment. January 2008 was, by all means, a very negative month for most superannuation funds, and across the industry that is also the case. We are not immune from those circumstances.

In that regard, as members would be aware, for a long time the Queensland budget has recorded a long-term rate of return of 7.5 per cent after superannuation in terms of framing the budget each and every year. In terms of the legibility and future comprehension of the budget, we are looking at whether that should continue to be the case. In that regard, I can say to the member for Moggill that we are below 7.5 per cent at this point, but so is every other superannuation fund I know. There remains three months to go in the financial year. We will report those figures transparently, in full in the budget, as we do every year.

Regent Theatre

Ms DARLING: My question is to the Deputy Premier and Minister for Infrastructure and Planning. Can the Deputy Premier inform the House about actions that the state government has taken to protect the historic Regent cinemas? How does this decision compare with past actions on historic buildings?

Mr LUCAS: I thank the honourable member for the question. I can make it through a movie at the Regent Theatre. The Leader of the Opposition cannot make it through question time without leaving. The Regent Theatre has been an icon in Queensland for 80 years. Yesterday I issued a direction under the Integrated Planning Act, with the Brisbane City Council as assessment manager, to protect it as an ongoing operating cinema. I note that there has been some criticism—and I do thank Greg Rowell for his strong support of this and Geoffrey Rush as well—of lack of certainty in relation to this matter. I can tell honourable members one thing that would have happened about certainty under the National Party. There would have been certainty about the future of this building. It certainly would have been knocked down, because there would have been ministerial intervention to demolish it—just as occurred with the Bellevue and Cloudland. That is what we got when the National Party was in power. Actions speak louder than words.

Let us talk a little bit about leadership. When you are a leader or a leader of the opposition, you are required to set out to the community your vision and your plan. It is not just the quality of your argument; it is the conduct of your actions. It is how you have conducted yourself. It is how you behave when you have the opportunity to show those values that you claim to hold and those standards by which you seek to judge others. How funny it is to think that, when the Leader of the Opposition was a shadow minister in this place, a senior member of the National Party, the then member for Broadwater, Allan Grice, was in trouble not only for failing to declare a very large loan from a brothel king but also for pleading guilty in court not to simple assault but to assault occasioning bodily harm. He broke a man's nose. And what did the then leader of the opposition say? A spokesman for then opposition leader Rob Borbidge said that Mr Grice continued to enjoy his full support and confidence. We have heard discussions about clapping and applauding and various sorts of things, but actions speak louder than words. The absent Leader of the Opposition was a member of the National Party when the member for Broadwater continued to hold a seat in this place. Actions speak louder than words.

With respect to the member for Bulimba, he has faced very tough consequences for his actions. He has lost his ministry. He has fronted court. It has cost him an enormous amount of money in fees. He has lost his parliamentary committee and he will be retiring at the next election. That is a very high price to pay and a price that has been imposed upon him by the Premier. He accepts the consequences of his actions.

To the Leader of the Opposition I say: you ask people to accept your purported alternatives, but when the time came for you to show that 'Lawrence Springborg treats members of parliament how he wishes to have Pat Purcell treated', you failed. He sat there when Allan Grice pleaded guilty, when Allan Grice went to court, when Allan Grice was dealt with by the court and when the then leader of the opposition said nothing. How can he ask the people of Queensland to believe that he has changed when he has not changed one iota? The leopard has not changed its spots.

Sunshine Coast, Oncology Services

Mr WELLINGTON: My question is to the Minister for Health. I understand that last year when the Wesley Radiation Oncology business terminated its contract with Queensland Health, it gave an assurance that all patients, including those who may be financially disadvantaged, would continue to have access to its cancer treatment services at Nambour on the Sunshine Coast. I ask: does the minister know if many public cancer patients are continuing to receive cancer treatment at its Nambour facilities, or are most of the public patients from the Sunshine Coast's greater region now travelling to Brisbane to receive cancer treatment?

Mr ROBERTSON: I thank the member for the question. The previous arrangement of a private-public partnership between Queensland Health and Wesley Radiation Oncology for the provision of radiotherapy services to public patients on the Sunshine Coast has been replaced by a new understanding with Wesley Radiation Oncology. Queensland Health has secured an undertaking from Wesley Radiation Oncology that patients, including those who may be financially disadvantaged, will continue to have access to its services at Nambour. It is important to note that not all cancer patients require radiotherapy and not all types of radiotherapy are available from Wesley Radiation Oncology's service at Nambour, which is the only provider of such services on the Sunshine Coast.

I am pleased to advise that specialists from Wesley Radiation Oncology continue to provide services to in-patients of Nambour General Hospital. The balance of funding allocated in this financial year for the payment of the private provider has remained within the district to meet direct patient care requirements. Planning currently being conducted for the new Sunshine Coast hospital includes provision for public radiotherapy services.

The long-term future of radiotherapy services and, indeed, services for cancer patients is concentrated on the development of the new Sunshine Coast hospital that will be coming on line in a number of years' time. Until then we will be doing our best to maintain the relationship that has been established with Wesley Radiation Oncology, because we understand the needs for those kinds of services in a growing part of Queensland such as the Sunshine Coast.

Road Funding

Mr PEARCE: My question is to the Minister for Main Roads and Local Government. I ask: could the minister advise the House if he is aware of any recent incidents that highlight the coalition's casual approach to truth and honesty when it comes to road funding?

Mr PITT: I thank the member for his question. The Bligh government has a plan to meet the growing road infrastructure needs of Queensland. It is a plan for both the urban areas and regional parts of our state. Our five-year, $13.3 billion Roads Implementation Program has been well received across the state. We have the South East Queensland Infrastructure Plan and Program, we have formed the road alliance—a partnership with local governments in Queensland to improve local roads—and earlier this month the Premier announced our intention to tackle congestion hot spots. We have a plan that is strategic, transparent and, more importantly, effective.

In comparison, the conservative forces of this state have real form—and negative form at that. For example, last week the member for Wide Bay and federal leader of the Nationals claimed that Labor had cut funding to upgrade the Bruce Highway. That is a serious claim. It implies that money actually had been allocated under the conservative government. When one investigates it further, one finds it to be untrue. It is a hoax of the highest order. The former government never committed any funding to the actual construction of this highway. In the dying days of government, they splashed out in desperation, promising some $700 million as an election commitment. The truth is that during last year's campaign Labor committed $200 million to upgrade the Bruce Highway north of Cooroy and, more importantly, Labor will honour that promise.

On the other hand, the National Party overcommitted itself by $3 billion as part of the massive pre-election pork-barrelling exercise that it ran throughout the length and breadth of the country. It would never have been able to deliver on that promise. Furthermore, if the member for Wide Bay was genuinely concerned about upgrading the Bruce Highway, he should have allocated the money while he was transport minister and not in the dying days of a lacklustre government.

This behaviour is consistent with the conservatives' whatever-it-takes, whatever-it-costs approach to securing votes. After all, they were also the architects of the discredited regional partnerships program that the federal Auditor-General found failed to meet acceptable administrative standards. I fear that this is also what we can expect at state level from those opposite. After all, the National Party has a history of adopting less than transparent approaches to allocating funds for projects. We all remember Russ Hinze—that paragon of ethical behaviour—and the road to a certain Gold Coast hotel. That is the way that the Nationals did business when they were in government. When it comes to crooked governments, let it be remembered that the National Party wrote the manual.

Let us not be lectured by those opposite on the ethical or proper way of doing things. Let us have none of this posturing from the Nationals and the Liberals. Labor will not buy votes through the pork-barrelling of electorates. Instead, we will apply government funds to projects that have been planned, assessed and prioritised in a methodical manner.

Mr SPEAKER: Order! Before calling the member for Robina, I welcome a further group of students and teachers from the St Thomas More Catholic Primary School on the Sunshine Coast in the electorate of Noosa, represented in this House by Mr Glen Elmes.

Bligh Government Members

Mr STEVENS: My question is to the Premier. I refer to a *Courier-Mail* headline that states that the member for Bulimba lied to the public about his assault on government officers. Does the Premier condone members unequivocally lying to the public about their behaviour, and does this attitude reflect the Premier's acton of decriminalising the act of members lying to this parliament?

Ms BLIGH: I thank the member for the question. On every occasion that I have been asked about this incident I have made it clear that the circumstances in which Mr Purcell was involved were totally unacceptable. There was nothing acceptable about his behaviour. He made a mistake. It was wrong. It was unacceptable. He has accepted that himself. You do not apologise for something that you think was okay. The mere fact of his apology demonstrates that he has accepted that his behaviour was not of a sufficient standard. That is why I describe it as the right thing to do. It is the right thing to acknowledge when you have been involved in an incident that is unacceptable. I do not condone it, no member of my team condones it and the member himself has indicated that the behaviour was unacceptable. I do not think there is any doubt whatsoever that this sort of behaviour or any misleading comments about it are an acceptable way to behave.

No, I do not accept and I do not condone the behaviour of the member for Bulimba. That is one of the reasons the member for Bulimba made the decision that he made, not only in relation to the apology but also in relation to his resignation from a parliamentary committee and his announcement that he will not be standing as the Labor Party candidate for the seat of Bulimba at the next election.

It is also the reason that I do not condone this sort of behaviour when it is done by the member for Callide or by the member for Beaudesert. Again I call on the member for Southern Downs to apply to his own team the same standards that I have applied to mine, that is, when you are misleading and then endorse that behaviour as a tactic that should not be apologised for, I do not see why you should be the National Party candidate for the seat. If that is the best that the National Party can do, it probably explains a few things about why it finds itself in such a parlous circumstance.

What is absolutely clear is that the member for Southern Downs cannot and will not apply the standard that he expects to be applied on this side to his own team. Not only are the members I have described still members and still the endorsed candidates for the National Party at the next election, with no hint that it will be otherwise, but they are still on parliamentary committees receiving additional salary.

What I can say is this: I can absolutely guarantee that this side of the chamber will never stoop to the ethical standards of the National Party. We will never lower our requirements so that we would accept the behaviour of the member for Warrego, the member for Callide or the member for Beaudesert. The test for the member for Southern Downs comes in July this year. If we go on his form for the last decade—and it has been 10 years; he has had 10 years to demonstrate any kind of capacity in this regard and has failed every single time; there were four occasions when he could have disendorsed these people and he failed every single time—I confidently predict that he will fail the leadership test again.

Mr SPEAKER: Honourable members, that concludes question time.

MATTERS OF PUBLIC INTEREST

Ministerial Standards

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.30 am): I invite the Deputy Premier to stay behind. He would do well at Doomben!

Mr DEPUTY SPEAKER (Mr English): Order! Leader of the Opposition, please direct your comments through the chair.

Mr SPRINGBORG: Thank you very much, Mr Deputy Speaker. This headline says that words mean absolutely nothing. It is actions that actually mean something, not words. What did we see from the member for South Brisbane when she became Premier last year? The headline 'Premier warns MPs behave or you're out' and the Premier being quoted as saying, 'I will be outlining my priorities and expectations of every minister.' What happened when it came to the fundamental leadership test? This Premier has failed. Queenslanders thought this Premier was going to be different from her predecessor. What they have seen is that this Premier is absolutely no different from her predecessor, regardless of what she says.

We also heard from this Premier in the last 24 hours that there would not be name calling in this parliament; that she would not stand up here and throw insults across the chamber. What did we see today? The same as we saw two weeks ago on Tuesday when we were probing this government and asking questions that it could not answer—smears, attack, innuendo and name calling. That is the modus operandi of this government whenever it backs itself into a corner. Nothing has changed.

We heard from the minister for police a little while ago that this issue has not been raised with her as she has been moving around Queensland. I have had quite extensive conversations with Queenslanders in the last few weeks and it has been raised with me on quite a number of occasions. In fact, one of the more notable conversations occurred the other day when I got off a plane in Mount Isa. The person who picked me up was involved in the racing industry. He raised it up-front and we had hardly met. We were hardly beyond the salutations when he said, 'I have a couple of apprentices. What would happen if I belted both of them? Do you think I'd be in trouble?' That is what he said to me. I said, 'Of course you would be in strife.'

This is not an issue of whether the member for Bulimba is a nice bloke and whether he has been decent to us. I have found that he has been decent to deal with on issues in my electorate over the years. That is not what the argument is about. The argument here is about appropriate standards for members of the government and for ministers of the Crown and the way that this government has failed—

Mr DEPUTY SPEAKER: Order! There is too much audible conversation. I am having a hard time hearing the Leader of the Opposition. Take the conversations outside please.

Mr SPRINGBORG: Some people might want to distil this down to the issue of whether somebody has been a nice person in their dealings. That is not what this is about. This is an issue of whether this is an appropriate standard for a member of parliament, whether this is an appropriate standard for a minister and how the government's rhetoric has not been matched by its actions on this issue. That is the point. This whole sorry saga dates back 12 months ago when the honourable member for Bulimba resigned from his ministry. The Premier at that time said that it was for personal reasons—it was for nothing more than personal reasons. That is what the resignation was about. Even this morning in this place the Premier, when asked about what decisive action she took, said, 'The member took the actions himself.'

So basically we have a Premier who is captive to the factions. She is unable to move because if she does then she is going to unleash the factional war lords in this state. That is exactly what this is about. I think it is a sad indictment on this place when we have now had an admission from the Premier, and a failed admission from the Minister for Child Safety and Minister for Women, that the caucus clapped and cheered the honourable member yesterday. Regardless of personal feelings, one would have to ask: is that condoning inappropriate conduct? Is that what this is about? That is what the issue is. This government and the members opposite do not get it. People are concerned about this. They do not believe that it is an appropriate standard for a member of parliament to abide by, regardless of how good he has been in his electorate and regardless of the individual attributes that that member may have in so many other ways.

The Deputy Premier stood up here this morning and lectured us about decency. This from a bloke who fitted 18 people in his own home in order to attempt to rort the electoral process in Queensland! This man precipitated the building boom in this state: they were knocking out walls everywhere in order to put more people in his house. He could not put enough people in his house in order to distort and rort the electoral rolls in Queensland so that he could get his mates and himself elected in the factional process that we find so hard to understand over here. So to be lectured by him is absolutely beyond the pale. It is a little galling to be lectured by the Deputy Premier, who on his own admission said that he attempted to distort the laws of this state by what he did a number of years ago and that it was only because of a particular nuance in law that he actually escaped himself.

If the Premier wants to apply the same standard, then the Premier should be ejecting him from the front bench to the back bench. We know full well the Premier cannot do that. Why? Because there is this factional warfare going on in the Labor Party. We had the honourable member for Logan, who had the numbers but did not have the ticker, and we had the honourable Deputy Premier, who had the ticker but did not have the numbers. But the Premier stared down the member for Logan. And so what did the member for Logan do? He skulked behind the doors and in the corridors the night before and said, 'Premier, I missed out on what I had the numbers for. Will you at least make me minister for trade?' That is what happened. We know that is what happened. We know that the Premier will not act when it comes to decency in Queensland.

The other thing—and the honourable member for Robina touched on this—is that we know what the Premier's standards are. The Premier does not have any standards. The Premier has said that she has standards. She said so in the paper last year: 'Premier warns MPs behave or you're out'. They are tough words indeed. But she has failed every particular test. What we tried to do today was to probe behind the scenes, to find out the thinking and to get into the psyche of the ministers opposite about whether they actually agreed with the headline 'Premier warns MPs behave or you're out'. What we saw was a glowing endorsement of inappropriate behaviour.

Did those ministers actually listen to what the Premier said? Did they listen to the edict? Did they listen to the law that was laid down by the Premier? Obviously not, because if they had we would have seen a far more decisive approach from the honourable Minister for Child Safety and Minister for Women. We would have seen the Attorney-General being able to answer the question, but instead we

heard the shortest answer by a minister in this parliamentary term. We are seeing the failure of the standards. As the honourable member for Robina said—he alluded to this and this issue fundamentally underpins this government—the issue is whether it is appropriate to lie and whether a member of parliament can be condoned for lying to this place.

Remember—cast your minds back a little under two years—that this government came into this place and overturned a 110-year-old law, enshrined in legislation, that made it illegal for members to lie to parliament. We can argue about whether the law was enacted or the law was about to be applied. The government did not like it. It came into this place and exonerated one of its own. It said, 'These people cannot live up to the standards parliament expects so we are going to change the law so that they do not have to anymore.' This government did that and instituted the 'eyeball test', as the member for Bundaberg stated. We should not be surprised when a member of parliament goes out there and actually lies to the people of Queensland, because this government, just under two years ago, said that it was okay to actually lie to the people of Queensland.

Let us look at the Premier's standards. She has failed the test when it comes to misleading this parliament and the people of Queensland, she has failed the test when it comes to whether bullying is appropriate or not and she has failed the test when it comes to Mr Kaiser as well. We all know what happened in relation to Mr Kaiser. Even this Premier's predecessor, for all of his weaknesses, had the courage to force Mr Kaiser out. It might have been because he had a political near-death experience, but he did. What did this Premier do? She could not wait to bring him back. What signal does that send to the people of Queensland? It sends the message that it is appropriate.

Let us look at what Alex Scott, the president of the QPSU, said only last week with regard to the issue of bullying in the workplace and what would have happened. He said that this government was hypocritical, that it had not committed itself to do what it was going to do with workplace bullying and that if these circumstances applied to a public servant they would have been sacked.

Time expired.

Quandamooka Aboriginal Community Plan

Mr WEIGHTMAN (Cleveland—ALP) (11.41 am): At a time when there is great awareness of Indigenous issues throughout Australia, and indeed here in Queensland, coupled with a community understanding that governments need to act to assist Indigenous communities to move forward, I am pleased to announce that the North Stradbroke Island Aboriginal community completed and signed their Quandamooka Aboriginal Community Plan.

Although this plan was signed on 29 November 2007, it was many years in the making. The purpose of the plan is to identify actions to help overcome the disadvantage experienced by the traditional owners and other Indigenous residents of North Stradbroke Island. It is estimated that 18 per cent of Stradbroke residents are Indigenous—that is, about 450 people. They live mainly in and around the island township of Dunwich. They are themselves a community within a community, and history shows that the integration of Indigenous and white community members on the Island was not without its problems.

The plan is the major output from a shared responsibility agreement between the North Stradbroke Island Aboriginal community organisations, the Commonwealth government's Indigenous Coordination Centre, the state government and the Redland Shire Council. The North Stradbroke Island shared responsibility agreement was the first signed in south-east Queensland. Secretariat support for the process to develop this plan has been provided by the Department of Communities through the Greater Brisbane–Sunshine Coast Aboriginal and Torres Strait Islander Partnerships Office.

A large number of topics were identified when developing the plan and have been categorised into 10 key issues. They are health; housing; physical services and infrastructure; land, water and sea management; improvements in governance and accountability; planning and information management; community development and wellbeing; cultural heritage; employment; and resource allocation and funding. Each of these issues outlines how the community sees their present situation and poses questions such as where are we now, where do we want to go, why do we want to go there and how do we get there?

The Quandamooka people, through the plan, also identified a range of topics they wish to discuss with government agencies. The first step in this process will be a meeting in March 2008 on North Stradbroke Island between the Brisbane Regional Managers Coordination Network and the steering committee involved in the development of the plan. This meeting is a positive demonstration of how government departments are working in partnership to build strong, sustainable communities. This community based plan is indicative of the call by some Queensland Indigenous communities for the Bligh government to take some positive action with regard to the many complex issues faced by some communities in Queensland. The Quandamooka people's assertions are in line with the four communities that have volunteered to be part of the Families Responsibility Commission that this government will bring into action this year.

The Quandamooka people recognise that they need to work with governments to provide infrastructure and services to their community to ensure the future of their people is in line with community expectations and equal to that of non-Indigenous Queenslanders. I congratulate all those involved in the formulation of these documents and I commend this government on its willingness to fulfil its social obligations in this regard. I acknowledge the time, effort and honesty that has gone into these documents and I sincerely look forward to the identified outcomes coming to fruition in the near future.

I have been working very closely with the Quandamooka people to identify opportunities for them to help themselves. They are, as a group, very forward-thinking people who only want the best outcomes for their community and have displayed a will to work towards those outcomes. I wish them well, now and into the future. I look forward to playing my part and seeing that they move forward.

Gold Coast, Community Cabinet

Mrs REILLY (Mudgeeraba—ALP) (11.45 am): On Sunday, 17 February the Gold Coast hosted the first community cabinet for 2008, providing an opportunity for hundreds of local residents in the state's fastest growing area to speak to government ministers. I am delighted that the Premier chose the Gold Coast and my electorate of Mudgeeraba as the venue for her community cabinet—her first one in south-east Queensland since becoming Premier.

Some 200 members of the Gold Coast community, many from Mudgeeraba and the adjoining electorate of Gaven, attended the event held at William Duncan State School in Highland Park. The open question-and-answer session was followed by a record 145 formal deputations and dozens of other unscheduled meetings with ministers. Between me and my staff we managed to sit in on some 20 deputations with ministers and I was also able to arrange a number of informal meetings with ministers for constituents.

Community groups meeting with ministers included Volunteering Gold Coast, St Vincent de Paul Society, Gecko, Mudgeeraba Community Association, Nerang Community Association, Nerang Police Community Consultative Committee, Alzheimer's Australia on the Gold Coast, the William Duncan State School P&C, the 14th Australian Light Horse Regiment, Gold Coast Project for Homeless Youth, Gold Coast Housing Co., SAPH Vision Quest Association and many more, from Beenleigh to Coolangatta.

Mayor Ron Clarke and a number of councillors also took the opportunity to meet with the Premier and the Treasurer. Some ministers had deputations going through to 7 pm, and deputations also included many meetings with individuals with quite personal and complex issues. That is exactly the purpose of community cabinet.

This was the government's 109th community cabinet, and it gave people of the Gold Coast and business and community groups the chance to talk one on one with ministers and parliamentary secretaries. But it is more than just a listening tool or a conversation with Queenslanders; the presence of directors-general and senior public servants means that problems and issues can be raised with those who have the ability to comprehensively investigate and explore them and there is a guaranteed short turnaround time for responses. This is government at work for the people, with the people.

The people's day at Skilled Park was just another example of that. The community cabinet meeting coincided with the official opening of Skilled Park, a $160 million investment by this government in the Gold Coast economy and the Gold Coast's future in Rugby League. The open day was a huge success, with 22,000 people taking the opportunity to see the stadium for the first time and to take behind-the-scenes tours, including into the dressing rooms. Members and fans—including my husband and my own two little Titans fans—came from far and wide to meet the members of the Titans Rugby League team, to collect their members' packs and to enjoy free entertainment. Some 600 community members, businesspeople and members of sporting and welfare organisations also enjoyed a light lunch with the Premier and ministers and a personal chat with them in the Skilled Park boardroom.

The people's day gave stadium operators the opportunity to put the venue through its paces prior to the Titans' trial match—go the Titans—on 1 March and provided fans with the chance to familiarise themselves with the venue ahead of match days. Patrons attending all venues at Skilled Park are encouraged to catch public transport to the venue. It is a public transport venue. The open day was a chance to test the new, first-rate $15 million transport hub built next to the stadium. It was the first test for the region's public transport system for such an event and it passed with flying colours. There were 22,000 people who travelled free by public transport and on future event days will also travel free with TransLink services, their transport covered by their entry tickets.

Many visitors took the opportunity to travel by shuttle bus from one of the four park-and-ride facilities located close to the stadium. One of these, at Firth Park in Mudgeeraba, coped extremely well considering the challenges posed by recent wet weather, which had turned many of the car parks into mud baths. In recognition of the importance of this local park-and-ride and its many challenges, the government will now contribute an additional $350,000 for the further development of the park-and-ride at Firth Park. This will secure a further 300 sealed car parks. That brings the government's contribution to that facility to over half a million dollars. That is on top of the 200 of the 480 total car parks that the

state government has already provided. I want to thank Andrew Plunkett and Evan Webster from Firth Park for their hard work coordinating the parking and the Gold Coast City Council for its cooperation and support.

Firth Park, as the people of Mudgeeraba know, is a perfect example of state government and council cooperation and joint funding. It is a fantastic sporting venue for local and regional netball, Rugby League and baseball. It has a two-storey clubhouse, a function venue, a gym and a health and fitness centre. The council's further plans for expansion of the venue, with additional netball courts and an adjacent aquatic park, will go a long way to making Firth Park one of the premier sporting venues in south-east Queensland. Unfortunately, the Mudgeeraba Redsox Baseball Club has not been able to use its fields since they were flooded a few weeks ago. I hope that council officers will be quick in repairing and restoring those fields. I thank the ministers for the community cabinet.

Australian Governance, Constitutional Reform

Mr McARDLE (Caloundra—Lib) (11.50 am): There are a lot of Australians who are disappointed, frustrated and even angry at their elected members. For most Australians politics has seemingly become the art of talking about issues and looking busy while skilfully avoiding the work people expect their government to do. Politics has become a confusing academic debate about excuses, political fiefdoms and blame shifting. Most Australians who are paying all those government taxes, levies and charges are fed up with all the excuses and just want some public service, some evidence of planning and some infrastructure. It is all about politics, not about serving the interests of Australians.

There is too much taxpayer money being squandered because different levels of government are regulating the same things. One level of government is mimicking the activities of another. There is a lot of not very much getting done despite the expensive PR. Access Economics costed Australia's dysfunctional model of Federalism at about $9 billion per year in 2004-05 dollars. Others have put it at as much as $20 billion per year and increasing. Australians can no longer boast of having a responsible, accountable and efficient model of government. It is clear the 19th century systems and structures of Australian governance need to be reformed to better serve 21st century Australia.

There is little disagreement about the need for constitutional reform of Australian government, but the focus needs to move from political power thresholds of state and territory governments and the federal government to what will deliver better public services and facilities for Australians wherever they live. What has been curiously lacking in the debate so far is what is most relevant to the lives and lifestyles of the people and communities we serve. To this effect, constitutional reform should be directed towards re-establishing an all-of-government structure that clearly identifies the roles, responsibilities and outcomes of all models of government. Important in this equation will be the funding sources for the activities of each level of government.

In 2003 the House of Representatives inquiry into cost shifting onto local government heard that the state governments were pushing many of their responsibilities onto ratepayers in their council without commensurate funding. The cost to ratepayers was estimated at between $500 million and $1.1 billion each year. Add to this the Bligh government's takeover of ratepayers' revenue-generating assets and delivering the same level of council services at the current cost is very challenging.

No level of government in Australia is more accessible and relevant to Australians than their local council. Indeed, for many of us our identity is directly linked to where we work and the towns we go home to. Not surprisingly, many Queenslanders were outraged at the Beattie-Bligh government when it unilaterally forced through plans drawn up by faceless bureaucrats that carved up their communities and towns. Then they were further disenfranchised by Beattie-Bligh government threats to sack democratically elected local officials and councillors who dared to stand up for their communities and give them a say in their future. Therein lies another problem.

Despite signing an historic intergovernmental agreement on cost shifting in 2006 there has been little evidence of a consultative and truly collaborative approach to working with local governments in Queensland. State governments can sack councils and because there is no recognition in the Australian Constitution there are few, if any, rights of appeal. Local governments currently exist under legislation adopted by state parliaments. Their survival and function is therefore dependent upon the state government. Not surprisingly, this has led to a worrying trend of increasing jurisdictional and cost shifting from state governments to local councils.

Failing to include local government in any discussion about the future of Australian governance models is failing to have a genuine discussion about government reform. Current discussions about constitutional reform provide a timely opportunity to revisit the issue of legitimising the role of local councils. It has been more than 20 years since Australians were asked to formally recognise the role of local government by amending the Australian Constitution. It is a proposal that has been pushed by the Local Government Association and its Australia-wide membership since 1947.

Notably, 2½ years ago both houses of federal parliament passed a motion to recognise the role of local government in Australia. This was an important step towards preparing the way for constitutional recognition. Progressing this further will need a bipartisan approach and one I will work to achieve.

Australians just want the blame game to stop. The best way for meaningful long-term change is to amend the structural impediments and excuses so each level of government has a clearly defined role and the wherewithal to do its part in providing better services for our fellow Australians wherever they live. Last year Mr Rudd's spokesperson on local government, Senator Kate Lundy, said—

Local councils should no longer be seen as the plaything of State governments, to be dismissed or restructured at will or left as the last port of call for struggling communities when other governments abandon their responsibilities. Communities need an effective local voice in decision making on the issues that affect their lives.

I support Australian government reform. I recognise local governments exist and I unashamedly support the constitutional recognition of local government. The omission of local government in the Australian Constitution is an historical oversight that needs to be corrected.

Mr DEPUTY SPEAKER (Mr English): Before calling the honourable member for Southport, I would like to acknowledge in the public gallery another group of students from St Thomas More Catholic Primary School on the Sunshine Coast in the electorate of Noosa represented in the chamber by the honourable Glen Elmes. I call the honourable member for Southport.

Liberal Party

Mr LAWLOR (Southport—ALP) (11.55 am): We have all heard about the great train robbery. Now we have a great campaign robbery—executed in a way that even Ronnie Biggs would have been proud of. The Liberal Party state council met at the Gold Coast three weeks ago. Long-suffering members were given the same old story—the party is broke and still owed three-quarters of a million dollars from the federal election.

But within three days the Liberal Party was able to pay all its debts. How? Did it find a white knight like Clive Palmer who is bankrolling the Leader of the Opposition's repeat performance—a new conservative party? No. The Liberal Party found its own money tree in the form of bank accounts of defeated federal members and failed federal candidates.

Two weeks ago, without notice and without approval, the Liberal Party state director, Geoff Greene, cleaned out the federal campaign accounts of a whole host of campaign committees, including those of Mal Brough and Gary Hardgrave who lost their seats and those of the member for Bowman, Andrew Laming, who staggered across the line by 150 votes, and even the member for Ryan, Michael Johnson, who is as industrious a fundraiser as he is a backbencher. Also Councillor Norm Wyndham, who holds a marginal Brisbane City Council ward, had his account raided in the middle of the current campaign.

So well planned and secretive was the raid that the campaign office bearers who tried to pay campaign bills were embarrassed to find that their cheques bounced. This raid raises two serious issues. We are not talking about a few thousand dollars, by the way. Several accounts were cleaned out of around $100,000.

The first issue is why the money was taken without consulting the campaign committees that raised it and that are legally responsible for it. The second issue will be of particular interest to the Liberal members opposite. I am told by rank and file Liberals on the Gold Coast that, 'There is no tomorrow when it comes to the amount of money being spent on the Gold Coast City Council campaign by the Liberal Party.' The *Gold Coast Bulletin* has reported the campaign budget in excess of $1.2 million and the *Australian* the other day said that it was over a million dollars. When we look at the billboards, vehicles, advertising and so on three weeks out, that might even be an understatement.

What is embarrassing for members opposite is that the Liberal Party is probably spending more on the Gold Coast City Council campaign than it spent from its own resources on the last state election campaign and certainly more than it is spending on Campbell Newman's campaign. What rank and file Liberals want to know and what members opposite ought to be asking is: how much of the funds cleaned out of the campaign accounts will be spent on the Gold Coast City Council campaign? Geoff Greene and his deputy are spending virtually no time on the Brisbane City Council campaign and are virtually full-time on the Gold Coast campaign. The reason is quite basic. The Gold Coast team, led by Tom Tate, is aligned with the Parer-Greene-Santoro faction. The Lord Mayor of Brisbane has his own faction.

The use of federal funds—funds given to members and candidates—and not the party organisation for a local government election may be of interest to the Australian Electoral Commission, not to mention the donors. Liberals who believe that some of the funds siphoned off from federal campaigns are for the Gold Coast campaign are probably right on the mark. When we look at the way the Liberal Party executive in Queensland operates, is it any wonder that the Leader of the Opposition believes his Clive Palmer bankroll machine can run right over them? The Liberals opposite are being

heavied by the agents of the Leader of the Opposition—get on board with 'last resort' Lawrence or the cashed-up Springborg machine will roll them with his well-funded new party, a party which includes young modern conservatives such as we see on the opposition benches now.

The eight Liberals would be well advised to protect what remains of their campaign funds now. They will need every dollar if, as widely expected, the party factions reject out of hand the new conservative party push when the Brisbane City Council and Gold Coast City Council elections are out of the way. The Gold Coast City Council is just another desperate attempt by the Liberals to remain relevant. Just look at the new Liberal leadership. Federally there is Brendan Nelson—'Mr Nine Per Cent'. Here in Queensland we have Mark McArdle, the Liberal investment adviser, and on the Gold Coast we have Tom Tate. You would not follow any of them out of curiosity.

What a motley crew of candidates! As an example, George Frame, one of the candidates for a division, claimed to have assisted in establishing a community bank at Paradise Point as part of his contribution to the community. He had to retract that claim when it was disclosed not by the Liberal Party but by the *Bulletin* that it was a lie. All he had done was buy a few shares in the bank. That is what passes for community contribution in the Liberal Party.

My attention has been drawn to an article by Peter Gleeson in the *Gold Coast Bulletin* on 23 July 2004 which includes the statement—

Surfers Paradise wants to go it alone and divorce itself from the Gold Coast City Council ...

The secession move is being spearheaded by the Surfers Paradise Chamber of Commerce ... President Tom Tate said yesterday that the secession move showed the desperation felt by Surfers traders.

'We are deadly serious about this,' he said. 'The whole concept of secession is born out of the frustration '...

What will he do if his motley crew get into the Gold Coast City Council? Will they divert funds from Coolangatta, Burleigh, Mudgeeraba, Robina, Nerang, Southport and so on and channel them into Surfers Paradise as Mr Tate said should be done?

Time expired.

Bligh Government, Economic Management

Dr FLEGG (Moggill—Lib) (12.00 pm): In recent weeks we have seen the Premier and the Treasurer admit to Queenslanders what we on this side of the House have been warning about for some time, and that is that the state budget is now shrouded in dark clouds. Last week in the *Financial Review* the Premier said that we face a tough economic environment and that means some tough decisions. This morning we heard the Treasurer quoting from the Queensland economic review. The reality is, as he has said, that the Queensland economy is booming—employment, wages, real estate. That means booming payroll tax, booming stamp duty and booming state government revenues. It is not the tough economic climate that the Premier referred to in the *Financial Review* that threatens Queensland; it is the poorly managed, poorly executed budget strategy of recent years that is threatening us in this state. The forward budget estimates recently had to be revised from $52 billion of debt in 2010 to $55 billion of debt. We have seen the government now very belatedly acknowledging that its budget is in trouble. In fact, it took a warning from Standard and Poor's that the enormous extent of its debt was going to severely limit its budget before the government itself even seemed to realise or seemed to acknowledge it.

What we have seen in Australia and other Western countries in recent times is a lot of free and easy money in the private sector—a time when one might think that a government would be encouraging the private sector whilst it had access to very cheap money to participate in public infrastructure and the like. But, no! What we have seen is this government go on a borrowing binge of tens of billions of dollars and leave its budget in the precarious state that we see it today. Economics 101 tells us what happens when we borrow and spend at the top of the boom when resources are scarce, skilled labour is scarce and materials are scarce. We now have a situation where the free and easy money in the private sector has gone for the time being, and we have seen that affect companies like ABC Learning, Allco, MSS and others.

But what do we see now that the private sector's access to funds is greatly diminished and the cost of those funds has gone up astronomically? We see a government that has finally woken up to the fact that it does not have any financial capacity and that in actual fact its $10 million a day in interest is going to be a crippling burden. So we now see it talking about going to the private sector to fund PPPs in schools. This is an extraordinary thing to be doing at this stage of the cycle.

What are the reasons that a government would go to the private sector to fund a PPP? We are great supporters of PPPs in economic infrastructure, and it will be greatly to Queensland's detriment that we have not seen them coming through over the last four or five years. But a government goes to the private sector to build a PPP, firstly, if it needs to access the efficiency of the private sector—in other words, the government cannot run its schools efficiently—or if it wants the private sector to carry a

commercial risk that it does not think taxpayers should be paying. A PPP in schools with the government as the client is not going to carry any commercial risk. Private investors would have to borrow those funds at far higher interest rates than the government would be able to borrow those funds for. What we are now seeing is this government telling Queenslanders that they have to tighten their belts at a time when the government's revenue is unprecedented and it has been increasing in double digits, many times the rate of inflation, but it has managed it incompetently. It has allowed the debt to blow out, not in the tough times but in the good times.

Time expired.

Women in Trades

Ms STRUTHERS (Algester—ALP) (12.05 pm): My message today is this: women and girls, we need you in the trades! There are some amazing career opportunities in the trades. Construction workers, electricians and plumbers are all in short supply. They are making big money and many of them are running their own businesses. The week of 10 to 14 March is Women in Construction Week. Construction Skills Queensland and the Office for Women are supporting statewide events including Try a Trade opportunities for young women. SkillsTech Australia at Acacia Ridge in my local area—the cutting-edge TAFE construction skills centre—is calling on girls and women to try a trade on 13 March. I had a taste of the trades when I did a basic woodworking course at TAFE many years ago. It was a great way for me to develop skills and confidence in the use of power tools. I chiselled out joints, I made some window frames and I even made a little wooden petrol tanker. I am now very handy around the house.

'Skills, skills, skills' is the new mantra and, girls, we need you to think outside of the box in terms of non-traditional trades. The Queensland economy is booming and unemployment is at its lowest rate in decades in Queensland at an amazing 3.6 per cent. Our challenge is now to skill up our labour force. Queensland continues to set the pace in overcoming skills shortages, with apprenticeships and traineeships increasing at four times the national rate. Around 61,500 Queenslanders started an apprenticeship or traineeship in the 12 months ending 30 June 2007, an increase of almost 12 per cent. Queensland has 91,300 apprentices and trainees in training including 39,900, or 43.8 per cent, in traditional trades as at 30 June 2007. Yet despite this incredible growth, it is hard to find female tradies in training or on the job. There has been growth, but we have a long way to go. It is hard to get accurate figures, but in 1996 it was claimed there were about 400 women undertaking training in non-traditional trade areas in Queensland. In 2006 it was claimed there were about 1,200 women in these non-traditional trade areas.

In schools our report card is very good. We have a lot of kids doing vocational education and training in schools. Commencements of school based apprenticeships and traineeships also increased by a quarter in 2007. Queensland leads the country in the take-up of school based apprenticeships and traineeships, making up more than 40 per cent of the national commencements. Local schools in my area, such as Forest Lake State High School and Calamvale Community College, are all embracing this idea of kids being able to do a trade or a traineeship a couple of days a week at school and on the job a couple of days a week, and it is working really well for them. In my local area at Forest Lake I also sponsor the annual Karen Struthers VET award, and last year we had a young winner who—

Mr Bombolas interjected.

Ms STRUTHERS: It is an annual award. Finally, we have a federal government that is committed to skills development in Australia—a federal government that is determined to work in cooperation with the states to grow our skills base. Thankfully, we have a federal government that is determined to have trade centres available to every high school student across the country.

Kevin Rudd went to the election with a commitment to invest $2.5 billion into the Trades Training Centres In Schools Plan, which will now see new trade centres built in 2,500 secondary schools across the nation. Many Queensland schools will benefit from this new initiative.

Again, my message to girls is that there are a lot of exciting opportunities. My message is for them to have a think about the trades, to have a think about the wonderful career opportunities they can have in those non-traditional areas. They should not be put off by any sense that they are dirty trades. There are many former tradesmen in this place. The member for Nudgee is a former sparky. Last year the member for Aspley, Bonny Barry, launched a great initiative called Girls with Spark to encourage girls into the trades. The trades provide great opportunities, great career paths and also business opportunities. So go for it, girls. I urge them to look out for those Try A Trade opportunities from 10 March to 14 March.

Moreton Bay, Fishing

Mr HORAN (Toowoomba South—NPA) (12.10 pm): Today I want to stand up and speak in support of the decent, hardworking fishing families of Queensland—whether they are involved in commercial or recreational fishing—and particularly those who use Moreton Bay. This Labor government has been in for too long. These repeated attacks on these good, decent Queenslanders just simply have to stop. Of course, behind it all is the sneaky, slimy deals that were done with the extreme Greens before the last two elections. And who cops it? Those decent Queensland families I have had the absolute pleasure of talking to. Whether they are boaties, recreational fishers or commercial fishers, they are being attacked nonstop. Those spineless members opposite do not have the courage to stand up and support them and stop the rot.

Moreton Bay has some of the best seafood that can be provided for the tables of Queenslanders. Queenslanders in the south-east have a right to have access to some of this fresh seafood, instead of all the seafood that is imported from China, Thailand and Vietnam. The only way we will get our own fresh seafood is through the work of these fishing families and all the work they have done in past years.

Years ago those fishing families used to fish 365 days and nights a year. Then they cut back to fishing on weekends. Then they had to deal with closures and cutbacks on fishing trawl nets so that the bycatch was reduced. As a result, in 2006 the Moreton Bay Seafood Industry Association won a special award for its work. Even the Minister for Primary Industries and Fisheries, who is responsible for the sustainability of fishing in the bay, on two occasions has said publicly that the fishing industry is healthy. So why is the government continuing to attack fishing families? Why is the government forcing the people of south-east Queensland to eat seafood imported from places in South-East Asia?

The government's modus operandi is the same as the one it used with fishing in the waters around the Great Barrier Reef. In that case the government took all the good fishing areas. We have seen the same thing occur with this draft plan.

Mr Weightman interjected.

Mr HORAN: The greenies are still behind it. The member should be standing up for these people. He represents an electorate that is located on the edge of the bay.

Mr Weightman interjected.

Mr HORAN: Let us see how he goes, because none of the members opposite have done anything for those fishing families. They are just going along with the whole plan.

It is about time this parliament started to be about good and decent government, not slimy backroom deals in order to get preferences from the extreme Greens. Who suffers from those deals? Those good, decent people are the ones who suffer.

Government members interjected.

Mr HORAN: All of those members opposite who represent electorates located around the edge of the bay should be standing up for those fishing families. But they have been in this place for too long. They have become arrogant. They just walk over people like they are dirty doormats.

Some of the lines that have been drawn in this draft plan are just straight lines that take no notice whatsoever of channels, proximity of reefs—all the pragmatic issues relating to Moreton Bay that these fishing people know about. We have seen the problems that have occurred through the expansion of the port, the canal developments and the loss of mangroves around the bay. Those fishing families have had to contend with all of that. Now they are going to have their livelihoods absolutely slashed.

The net result will be fewer opportunities for recreational fishers in Moreton Bay—and fishing is one of the most wonderful family pastimes imaginable. There will be fewer opportunities for boaties to be able to go out into Moreton Bay and live a good, healthy lifestyle. But, importantly, there will be fewer opportunities for commercial fishers to fish in Moreton Bay so that they can provide fish containing omega 3 for people's tables, particularly the elderly and young people. All of those opportunities are going to be put at serious risk. They are going to be cut back unless someone opposite has the courage to stand up on behalf of these people.

This attack on the people who are involved in the fishing industry has gone on and on. They are sick of it. They go out there and work on their boats. They try to pay the increased diesel charges. Why is the Minister for Primary Industries and Fisheries not standing up to defend an industry that comes under the umbrella of his portfolio? He has a responsibility to stand up for these people.

The situation points to one thing: Labor has been in for too long. It has become complacent. It thinks it can walk over decent families. It thinks it can do these slimy deals with the extreme Greens. As a result, all of the good people who live in those electorates that are located on the edge of the bay and who work hard to make a living and to put fish on the table are copping it in the knees from this government.

Time expired.

Ipswich Integrated Strategy and Action Plan

Mr WENDT (Ipswich West—ALP) (12.15 pm): I have been known to speak in this place about the virtues of the city of Ipswich. This is another of those occasions. I can report that a new fully integrated transit centre, a centre for government offices and a major performing arts complex are three key projects that have been identified in a new, long-term vision for the Ipswich city centre.

The Ipswich Integrated Strategy and Action Plan was released last week by the Deputy Premier and Minister for Infrastructure and Planning, Paul Lucas; the member for Ipswich, Rachel Nolan; the Mayor of Ipswich, Paul Pisasale, and me. With the population of Ipswich set to more than double to 318,000 by 2026, this strategy and action plan is the planning road map for Ipswich to continue to grow into a truly world-class city. The strategy is the result of a lot of hard work and cooperation between the state government, the Ipswich City Council, local business leaders, the community and a panel of planning experts. In fact, the state and the council both contributed well over $1 million each to this project.

As can be seen, the state government clearly recognises the importance of the western corridor and, as such, is spending close to $1.5 billion on projects such as the Springfield rail line, the Centenary Highway extension to Yamanto and the new Ipswich courthouse, police station and disability services complex. However, it needs to be made absolutely clear that unless landowners, local businesses and the community get behind the Ipswich city centre and its future, this strategy will remain just a plan.

With that in mind, it should be noted that a number of major landholders in the city centre must commit to being part of Ipswich's revitalisation and growth or they need to get out. This plan covers an extensive area of 12 square kilometres from the Queensland university site in the south to One Mile Bridge in the west, across to the north Ipswich rail yards on the northern side and through to Chermside Road and Queens Park in the east. The plan is based around five key principles that are needed to create a great city: firstly, creating a working centre for retail, private and public sector uses as well as community facilities; secondly, creating a connected city by improving public transport, pedestrian and cycle connections as well as creating new road and bridge connections to improve traffic flow; thirdly, creating a living centre by encouraging increased residential densities within the CBD and the west Ipswich precinct; fourthly, creating a centre of celebration and place by promoting community events and festivals while at the same time protecting the city's unique character and heritage; and, fifthly, creating a centre that fosters community health, education and wellbeing. That centre can be achieved by designing a state-of-the-art performing arts complex that will draw crowds and entertainment into the city centre. In addition, it is planned to expand Ipswich's already significant city parkland network and particularly make better use of the river to support healthy and active lifestyles.

A task force has been suggested to help implement the recommendations of the plan. The formulation of that task force will require significant financial backing and support from the state government. The Ipswich City Council will also take a lead role in the delivery of 17 key catalyst projects that have been identified by the strategy and action plan.

The future for the Ipswich city centre must be more than traditional retailing because to be successful it must also be a centre for residential development. With that in mind, I congratulate Mr Ian Dore on his recently completed Aspire apartment block. This apartment block is Ipswich's first multistorey residential development. I am looking forward to encouraging more high-rise residential and office accommodation in Ipswich in the near future.

We are intending to clearly define the Ipswich centre as a world-class location within south-east Queensland. In this way it will offer a wide range of experiences including fine dining, cultural activities, performing arts and entertainment as well as other recreational activities. To celebrate the release of the plan and as a small token of appreciation, all members of the 52nd Parliament have been provided with an Ipswich pride pin and pen by the Ipswich City Council, my parliamentary colleague and member for Ipswich, Rachel Nolan, and me.

As I announced during the last sitting of this parliament, Ipswich has recently been recognised as the most liveable city in the world. With this in mind, I would welcome all members of this House to wear these pride pins, as I do on my suits, and become ambassadors for Ipswich.

Right now the state government is making an enormous commitment to building infrastructure in Ipswich with major projects underway in every area of government, from water to disability services. As such, I feel confident that there are good times ahead. As mentioned earlier in this speech, this plan will not work unless all of the major landholders in the CBD get on board. By this I mean that if some of our more recalcitrant landholders do not share the vision of the new Ipswich, they need to get out now. Otherwise, I believe that the state government will need to explore ways to overcome these serious road blocks to a better future.

Kingaroy Base Hospital

Mrs PRATT (Nanango—Ind) (12.20 pm): Kingaroy Base Hospital, which services the extensive area of the South Burnett, needs a lot of things. As an urgent priority it needs leadership via an experienced medical superintendent and two full-time obstetricians at the minimum. It also needs the government to recognise that it is an area of need and provider numbers are allocated. That is the minimum requirement and I will tell honourable members why.

Although there has been a continual decline in the medical services for some time, we are at the stage where local hospital staff are literally afraid for their patients' welfare and do not know where to turn. The entire hospital and community health services are stretched to breaking point, and someone will pay the ultimate price with their life. As one doctor who has worked at the hospital but has since left stated, 'It is a complete shambles.' There is a malaise about the hospital. Experienced staff are sick of picking up the slack for doctors who fail to fill in paperwork properly. They are sick of having to decipher by what route medications should be administered, be it orally, intravenously or by injection. One doctor wrote on a patient's regular medications chart that the prescribed medication route was via the eye. I have asked other doctors about this and they were incredulous but allowed that this doctor must have been very tired. The medication prescribed is a tablet and is never administered by the eye.

Everyone who is unfortunate enough to have to attend our hospitals knows the truth. They wait for hours with increasing frustration. They get sent home. They have even been turned away. How do I know? Not only has it been reported by persons who have been turned away; it has also been witnessed by another staff member, who was shocked that it had occurred. A woman seeking help from a public hospital was turned away and left in tears. It is so totally shameful that I cannot believe the minister or the Premier can stand in this place and say that things are improving.

A GP with enormous years of experience and who is well known for not acting in haste sent a heart patient to be hospitalised at Kingaroy Base Hospital but that patient was turned away. Another patient with an acute surgical condition was sent away only to be called 24 hours later because tests revealed the seriousness of his condition. Other patients have been discharged after surgery not knowing what has been done, with no after-procedure check-ups and still waiting for medication which previous staff had gone to get but the next shift knew nothing about. It is not occurring in every instance, but it is occurring often enough to cause staff to have serious concerns. All of these are recent experiences.

Of the five doctors at Kingaroy Base Hospital, only one is full time; the others are locums. There is no medical superintendent. This has resulted in no leadership. Inexperienced doctors are reportedly overordering tests and calling in the emergency helicopters in many instances for unnecessary retrievals. No, I am not a doctor so I do not judge. However, they are the words of the very professional doctors and hospital staff.

What is the cost to the public for this overprescribing and unnecessary retrievals? It would add up to hundreds of thousands of dollars across-the-board. Why not put the funds from the unnecessary spending into offering a decent package to entice a good all-round medical superintendent to whom these junior doctors can refer—someone to guide them so they do not live in constant fear that something might be overlooked because of inexperience, wasted resources or overprescribed testing.

We are in a rural area with a very large catchment, so we do not need a superintendent who wants to be an administrative but not a medical superintendent. We do not want a superintendent who is selective in whom he will deal with. We do not want someone who will not handle women's issues such as obstetrics. We need a full-time, hands-on, totally experienced medical superintendent who is very familiar with Australian practices and with rural conditions.

There is no doubt that we need overseas medical professional help to fill the current void. However, these people must spend time in the metropolitan hospitals to become familiar with the system. They must work with supervision so they can seek guidance from those more experienced in what services are available and the different names of medication before being sent to service in rural hospitals, where the requirements are so varied and different compared with the city. Most of all, we need a superintendent to whom young doctors can refer.

The Kingaroy Hospital had over 500 obstetrics cases last year and there are concerns, as outlined in the Queensland Nurses Union letter about the lack of obstetrics skills at the hospital, and I table that letter.

Tabled paper: Letter, dated 12 February 2008, from Gay Hawksworth, Secretary, Queensland Nurses' Union to Ms Pam Lane, District Manager, West Moreton South Burnett Health Service District, regarding staffing issues.

The falling standards are not because they are bad staff but because there are too few staff. No staff member can be expected to man the emergency ward, keep an eye on the wards and attend those waiting in outpatients. The staff are good, but they are not miracle workers. The constant high demand

on them is affecting them and is reflected in their work. I regularly check with local GPs and all but one have closed their books. Patients are being referred not to the hospital, as one would expect, but to other doctors in neighbouring towns.

I say to the minister that this area is an area of need and it needs to be recognised as such. We need more provider numbers to entice doctors to the area. Of the Kingaroy GPs, only three are not from overseas. Those who came to Kingaroy from overseas came because they had provider numbers, and their 10-year obligation is drawing to a close. Where will we be then? Where will they go? Who knows.

I have witnessed this government oversee a fall in standards in hospitals in rural Queensland since 1998. This government has failed patients, nurses and doctors who work in these hospitals.

Time expired.

Mackay, Floods

Ms JARRATT (Whitsunday—ALP) (12.25 pm): I spent much of last Friday, 15 February, glued to the Bureau of Meteorology's website watching a dark blue and yellow blob swirl around a spot on the map occupied by the city of Mackay. As I watched, reports began to emerge indicating that the city was experiencing a rainfall event unlike anything in recent memory. Indeed, more than 600 millilitres of water had fallen in a six-hour period. This was on top of previous rain that had saturated the soil and filled drains and waterways in the district.

The radar website confirmed that a tropical low had parked itself over the city and was delivering rain at a rate never before recorded in Mackay. During the night and into the early hours of Friday morning, many homes were inundated. While there were some miraculous escapes and associated injuries, no lives were lost.

The SES, Emergency Services staff and police were all activated to assist, but in many cases it was neighbour helping neighbour that saved the day. In the aftermath of the flood I have been very deeply touched by stories of courage and generosity shown by ordinary people in extraordinary circumstances. If there is a positive message to take away from the terrible events, it is the reawakening of a strong community spirit in the city of Mackay. Stories abound of people leaving their own inundated homes to assist stricken neighbours and of people turning up in affected areas with barbecues or plates of sandwiches to do what they could to help.

We now know that thousands of homes have been left damaged by the water and that around 450 of these will take many months to repair. So the Premier's announcement that the President of the Master Builders Association, John Gaskin, has been appointed to help oversee the rebuilding program is most welcome.

The member for Mackay, Tim Mulherin, will return to Mackay this week to help coordinate the recovery process. While it is true that the areas of Mackay covered by my electorate of Whitsunday have generally fared quite well or relatively well, I know that Tim will keep me informed of progress as the city moves into the rebuilding phase.

Of course, Mackay is not the only centre to receive rain over the past few weeks. I reported to parliament during the last sittings that the town of Airlie Beach had experienced a wet and wild night that left many boats destroyed and one group of charter boat passengers high and dry. As happened in Mackay, the community rallied around those affected by these events. On my return from parliament I joined members of the community in a clean-up effort aimed at collecting the pieces of boats that had washed up on the beaches. This effort was aimed at assisting boat owners in identifying their boats to insurance agencies as well as generally bringing the beaches back to their former pristine condition.

The area certainly has received a great deal of rain over the past few months, but we do live in the tropics. I am pleased to report that last week we had perfect Whitsunday weather, with clear blue skies and calm, turquoise waters. Herein lies the problem. During the rain event that beset the Whitsundays, national television coverage was quick to tell the world about the adverse conditions. However, during the week of perfect weather not a second of airplay was to be found. Unfortunately, this pattern of media coverage has very serious consequences in areas like the Whitsundays that are fundamentally dependent on tourism for their economic wellbeing. I understand that the media want to report rain and storm events and that the sight of 40 boats washed up on rocks is a newsworthy event. However, when this coverage is not balanced with the news that the rain has gone and we are again open for business, many businesses suffer because people have already cancelled their holiday bookings.

Last week I spoke to one business owner who told me that he had cancellations out to June this year following the exposure the area received on television morning shows during the rain. People in Sydney and Melbourne do not understand that in the tropics it is a case of rain one day and fine the next and that, from a tourism point of view, the rain simply helps the area look more beautiful than ever.

Following parliament this week I am returning to Mackay to support Mackay Tourism Ltd's Tourism Week activities because I know that, despite the terrible time the city has had, its tourism operators are back at work and hungry for business. So here is my challenge to the media: do not report just the bad times; come back to Mackay and Airlie Beach and show the world that we are open for business and that we welcome visitors who want to share the magic of wonderful island resorts like Brampton, Daydream, Hamilton and Hayman islands, stroll along the beaches at Cape Hillsborough or Whitehaven, see the playful platypus at Eungella or take a great walk through the rainforest at Airlie Beach. The Bligh government is injecting an additional $150,000 into promoting those parts of Queensland. I call on our state's media outlets to step up to the plate as well.

FAMILY RESPONSIBILITIES COMMISSION BILL

First Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (12.30 pm): I present a bill for an act to establish the Family Responsibilities Commission, and for related matters. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Second Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (12.30 pm): I move—

That the bill be now read a second time.

Less than two weeks ago, we all witnessed the Prime Minister's historic apology to the stolen generations. Importantly, the Prime Minister also laid out a blueprint for his government's program to address Indigenous dysfunction and suffering. The Queensland government is working in partnership with the state's Indigenous leaders to find new—sometimes radical ways—to address the dysfunction that has become normalised in many of the communities.

At the core of our efforts is the Indigenous Partnerships Agreement, signed in July 2007 by the Queensland Premier and the mayors of the Aboriginal and mainland Torres Strait Islander communities. This agreement focuses on action, delivering improved safety and law and order, better housing and health, more education and job opportunities. Already, three local Indigenous partnership agreements have been negotiated with councils to drive local action and five are close to completion; 167 Indigenous land use agreements have been registered since 1999 to facilitate social and economic development; and my government has recently committed a $65 million reform package to ensure Indigenous communities can be as alcohol free as possible.

The data outlined in the *Partnerships Queensland Baseline Report*, the first ever transparent reporting on the lives of Indigenous Queenslanders, highlights the work we have ahead of us. Statistics on child mortality, abuse, literacy and on violence demonstrate the yawning gap between the lives of Indigenous Queenslanders and the rest of the community. These statistics make it imperative that we try new ways of dealing with this inequity.

The communities of Aurukun and Hope Vale, through resolutions of their local councils, and Mossman Gorge and Coen, through resolutions of community boards, have signed up for this four-year trial. The rationale for the trial is a profound need to restore social norms and local authority, and to change dysfunctional behaviours in response to chronic levels of welfare dependency, social dysfunction and economic exclusion. I have been to these communities and I have spoken to their leaders. I know that decisive action is needed.

In October 2007, I committed the government to the Cape York welfare reform trial. On 21 December last year, my colleague Jenny Macklin, the Commonwealth Indigenous affairs minister, and I jointly announced Commonwealth and state government support for the trial, and I committed to introducing legislation to establish the Family Responsibilities Commission in February, or FRC. Today I deliver on that commitment.

This is a groundbreaking trial, unique in the world. It will be a significant departure from the policies that have been tried in the past. The bill establishes the Family Responsibilities Commission as the driving force in changing local social norms and behaviour. It will directly link improved care for children to welfare and other government payments.

The bill provides for four 'trigger' events. So, for example, if a child has more than three unexplained absences in a school term, the school will be mandated to report that fact to the FRC. The second trigger arises on the making of a child safety notification to the Department of Child Safety. In that event, the department will give a notice to the Family Responsibilities Commission. The third trigger is a Magistrates Court convicting a person of an offence, in which case the clerk of the court notifies the FRC. The fourth is when a public housing tenant fails to remedy a breach concerning activities in the house, causing a nuisance to neighbours, and failure to pay rent. In that case, the Department of Housing or other housing body gives a notice to the FRC.

Once the new commission receives a notice, it must satisfy itself that the relevant person is within its jurisdiction. A person is in jurisdiction if (a) they are a welfare recipient and (b) they reside in one of the four communities. If the person is in jurisdiction, the FRC may hold a conference about the matter. For an individual conference, the commission will consist of the legally qualified commissioner and two local commissioners from the relevant community.

The FRC will be empowered to do a range of things. It might take no action if none is warranted. It might give the person a warning. It might recommend the person attend community support services to help them get their life back on track. It might order the person to attend those services. The ultimate sanction is to order compulsory income management over the person's welfare payments.

Members will at once appreciate that these features of the commission distinguish the Cape York welfare reform trial from the previous Commonwealth government's intervention in the Northern Territory. This trial has a stronger emphasis on partnership, capacity building, local authority and service enhancement. Community ownership of the welfare reform trial is critical to its success.

The Cape York Institute and government officials have been working with each community for some time in designing the key features of the trial, particularly the commission itself. Community participation in the trial will be formalised through each community's local Indigenous partnership agreement.

This trial proposes much more than tough legislation. It includes a range of policy, program and service reforms and practical initiatives to help reduce dependency and dysfunction and provide pathways to participation in the real economy. These include—

- additional help for people with alcohol, drug and gambling addictions;
- more services to promote child and family wellbeing;
- assistance in employment, enterprise, education, income management, and housing; and
- better community facilities and services.

This bill differs from the Commonwealth legislation that applies in the Northern Territory intervention in three important ways. First, a person is subject to the commission's jurisdiction only if one of the four 'trigger' events I have described takes place. In the Northern Territory, compulsory income management automatically applies to all welfare recipients in relevant areas, whether or not they have done anything wrong. Second, decisions are made by the community based commission, not by a Centrelink officer who may be remote from the community. This seeks to ensure that the commission is able to apply a local knowledge of the individual's situation to any decision and that community members both understand and support the commission's actions and decisions. And, thirdly, the bill promotes the referral of people to services. Managing an individual's welfare payments will be a last resort. It is in reserve for the hard cases. For people who just need help, the services will be there to give them that help.

The effectiveness of the trial will be determined by a rigorous independent evaluation process through an open tender managed by the trial's governance board comprising senior representatives from the Commonwealth and Queensland governments and the Cape York Institute. The evaluation will assess the impact of the Family Responsibilities Commission's interventions at the individual, family and community levels in the four trial communities.

There could be legal ramifications in terms of the Commonwealth Racial Discrimination Act. However, when the Commonwealth was legislating for the Northern Territory intervention, provisions were included in anticipation of the establishment of Queensland's FRC, and these include exemption from the operation of the Racial Discrimination Act. The amendments deem this bill to be a 'special measure' under that act for the benefit of Aboriginal people. I should say that the bill itself is not confined to Indigenous people. Any non-Indigenous welfare recipient who resides in one of these four communities will be subject to the FRC's jurisdiction.

With this trial we have an historic opportunity to try something new, with leadership and support from the communities involved. None of us here is under any illusion about the challenges before us. We may be talking about a relatively small population, but we are talking about seriously entrenched

problems. The success of this trial will depend on a number of factors, not least the quality of the individuals involved, whether as commissioners, staff, community service agencies or community members generally.

On this issue there is a new sense of optimism and urgency between all Australian governments and the community generally. I thank the community leaders, the Rudd government and the Cape York Institute for joining us to make this vital trial a reality. I commend the bill to the House.

Debate, on motion of Mr Copeland, adjourned.

VALUATION OF LAND AMENDMENT BILL

First Reading

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (12.39 pm): I present a bill for an act to amend the Valuation of Land Act 1944 and the Valuation of Land Regulation 2003. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Second Reading

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (12.39 pm): I move—

That the bill be now read a second time.

The Valuation of Land Amendment Bill 2008 amends the Valuation of Land Act 1944 administered by my Department of Natural Resources and Water. The amendment in this bill addresses matters raised by the Land Appeal Court in the Chermside Shopping Centre decision handed down in October 2007.

The bill deals with intangible improvements, the definition of unimproved value, a formula for valuations on prescribed large shopping centres and the awarding of costs of appeals against valuations. These amendments are not proposing radical changes to how we currently value highly developed property. This is a 'business as usual' approach that confirms the methodology used for valuing this type of property that has been employed by the state government for many years.

On 11 January 2008 in a joint statement with the Treasurer, I announced the proposed amendments to the Valuation of Land Act. These proposed amendments will streamline the process for 30 large regional shopping centres in Queensland and provide clarity in relation to the definition of unimproved value. These proposed amendments do not make major changes to the legislation. The amendments only apply to highly developed properties and, importantly, do not apply to residential or rural properties.

The intention of these amendments is to clarify certainty for owners and local councils which levy rates using unimproved land valuations for such sites. The government's amendments to the Valuation of Land Act are simply designed to ensure that property valuations can be carried out in the same way that they have always been done in Queensland.

Without the removal of intangibles and redefining of unimproved value, the findings of the Chermside decision could potentially alter the balance between the land valuations of highly developed properties and residential properties. Consultation has been undertaken with peak industry bodies, including local councils affected by the changes to valuations.

The proposed amendments will aim to protect the integrity of the valuation system overall and ensure that commercial and industrial properties and multiunit complexes are not impacted by the changes. Commercial properties are extremely complex and various jurisdictions have, in the past, stated that the most appropriate basis for unimproved values are sales of either vacant or lightly improved properties. These types of sales are certainly available for the simpler classes of property but often there are none available for the more complex classes.

State land valuations are an issue that each state and territory in Australia faces. Nationally, there is not a recognised approach that has been identified as the most appropriate valuation method.

The definition of unimproved value in legislation was developed with the recognition that valuers would need to rely on sales information not only from unimproved land but also from improved land. This definition recognises that while we are looking at unimproved value there will not always be enough land sales—usually vacant land—for comparison.

For highly developed properties such as shopping centres, there is a lack of vacant land sales data. The sales of regional shopping centres are relatively infrequent, as is the selling of vacant blocks of land that have a comparable size. For this reason, improved land sales are used. The valuation method is called the deduction method, whereby assets are deducted from the market sale to ascertain the unimproved value.

An amendment was made in 2003 to the Valuation of Land Act to include intangible assets as part of this deduction method. This amendment was a result of feedback received from shopping centre owners. This inclusion of intangible assets into the method in 2003 was specifically for the intention of valuing highly developed land such as large shopping centres because of their unique existence within the market.

The introduction of intangibles as improvements was to provide shopping centres with the benefit of consideration of intangibles for the annual valuation. Nevertheless, as a result of the amendments, with the inclusion of intangible assets, shopping centres received a higher level of valuations than previous years, and many shopping centres lodged appeals against these valuations.

The Land Appeal Court handed down its decision in the Chermside case in October 2007. A key recommendation handed down as part of this decision was that a simpler process be found as the current method was far too difficult to apply. This decision has extended the application of intangibles not only to shopping centres but also to commercial, industrial and multiunit properties. The decision does not apply to normal residential or rural properties.

The intention of the proposed amendments to the Valuation of Land Act introduced today is to remove the intangible assets from the deduction method. In total, there are 30 shopping centres within Queensland that fall into the class of a large regional shopping centre that are affected directly by the decision from the Land Appeal Court. The Chermside decision also overturned what was previously the accepted approach to statutory valuations under the act. This approach has been that, when a valuer is determining the unimproved value for an improved property by assuming that the improvements do not exist, the unimproved value must reflect that the existing use could continue.

The application of the Chermside decision would mean that the unimproved value must reflect that there is no guarantee that the existing use could continue or even had ever existed. This is contrary to the approach employed that achieves an equitable revenue base which recognises the actual use of the land. The proposed amendments will confirm the existing method of valuing these types of properties.

I would like to also discuss the reasons behind the retrospective nature of the amendments to the legislation that I introduce today. It must be remembered that the Chermside decision relates to the valuation effective 30 June 2003.

Without retrospective changes to the act, the court's views regarding the application of intangibles and determination of unimproved value would have to be applied across a wider industry and for the period between 2003 and the 2008 valuations. It is important to also clarify that the valuation approach historically adopted and accepted is to be recognised as the preferred approach to ensure continuity of this valuation approach.

To provide clarity and certainty it has been determined that a formula based on average commercial value changes be applied to the 30 large regional shopping centre valuations. For the shopping centres that are subject to appeal, the formula based approach will be effective as of 30 June 2003. For all other large regional shopping centres, the formula based approach will apply as of 30 June 2008.

Finally, I would like to discuss the proposed amendment to the current guidelines for awarding costs of appeals against valuations. The Land Appeal Court also handed down its decision relating to the awarding of costs relating to the Chermside case.

The proposed amendments will clarify the guidelines for the awarding of costs of appeals against valuations. It is important that this is clarified as these amendments bring the awarding of costs in the Valuation of Land Act into line with other contemporary legislation. I commend the bill to this House.

Debate, on motion of Mr Hopper, adjourned.

VEGETATION MANAGEMENT AMENDMENT BILL

First Reading

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (12.50 pm): I present a bill for an act to amend the Vegetation Management Act 1999 and the Vegetation Management Regulation 2000. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Second Reading

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (12.50 pm): I move—

That the bill be now read a second time.

The Vegetation Management Amendment Bill 2008 amends the Vegetation Management Act 1999 administered by the Department of Natural Resources and Water. In 1999, the year that the Vegetation Management Act was introduced, Queensland accounted for about 90 per cent of the national total of tree clearing. Under a Queensland Labor government, broadscale tree clearing finally ended on 31 December 2006. This initiative resulted in Queensland delivering the biggest single contribution to the reduction of greenhouse gas emissions. Queensland's action to end broadscale clearing led to Australia meeting one of the first Kyoto target periods in 2012. The act's principal focus was to address the environmental impacts from clearing of up to 500,000 hectares of native vegetation each year on Queensland's biodiversity and economic productivity areas.

The Vegetation Management Act has diverse purposes to conserve remnant vegetation, limit land degradation and prevent the loss of biodiversity. These amendments consolidate the track record of this government in sustainable land management practice. While the former Howard government was in denial about climate change, former Treasurer Peter Costello was happy to claim responsibility for meeting Kyoto targets via Queensland's tree-clearing legislation. There are strong and complex interactions between climate change, land use and vegetation management. Understanding these interrelationships and setting strong land management and practical policy frameworks is paramount to ecological and economic sustainability and adaptation in future. That is why we are moving to maintain this foundation.

These amendments support certainty in the management of vegetation, particularly for landholders. They do not create a new regulation but confirm the existing definition and methodology currently used to assess the status of vegetation in a regional ecosystem. These amendments simply clarify the intent of the act and do not represent a shift or change in current policy. The purpose today is to consolidate within the act the definitions of the conservation status or class of a regional ecosystem—that is, whether it is endangered, of concern or not of concern. These classes have been the cornerstone of the conservation of vegetation since the act commenced in 2000. The classes of regional ecosystems are prescribed in the regulation.

Since the act's inception, the Queensland Herbarium has calculated the remnant areas remaining for each regional ecosystem—that is, the area of mature vegetation that remains—to determine its status. The methodology used is scientific and was developed by the state government's botanical experts and scrutinised through peer review. It is based on the published science of regional ecosystems that has always underpinned the VMA and has been openly available since the inception of the act.

The government, through my department and the Queensland Herbarium, determines the conservation status of each regional ecosystem. It does this by calculating how much is left of the original coverage of an ecosystem that is shown as remnant on our regional ecosystem and remnant maps. For example, an endangered regional ecosystem has less than 10 per cent of its original extent—that is, its original historical area—remaining as remnant vegetation. This is an established methodology consistent with world-class science.

The amendment simply brings the methodology for calculating the status forward into the body of the legislation, clarifies that the remnant area of the regional ecosystem that remains determines the percentage of the original extent and simplifies the definition by referring directly to the regulation. These amendments are necessary to ensure that there is no doubt about whether a regional ecosystem

is endangered, of concern or not of concern. It provides certainty about the level of protection applying to vegetation—and, in particular, scarce endangered vegetation—and about what activities can be done within the vegetation laws.

The current definitions of the classes of vegetation have been the basis for all decisions made under the vegetation management framework for the past eight years. These amendments remedy any uncertainty and provide for the continued and established application of the act. Recently, an applicant for a tree-clearing permit has sought to clarify and challenge the methodology, citing that all regrowth ecosystems should be included in the calculation of the percentage remaining. This approach is not consistent with the best science or the purpose of the act. It would be a nonsense to assess vegetation clearing in this manner.

A consequence of issues raised by the legal challenge is that it has the potential to affect the ability to continue to assess and make decisions on all applications. This challenge seeks to exploit a technical drafting ambiguity and unnecessarily complicate the plans for development of landholders and developers. Queensland, as a key economic engine for Australia, understands the need to respond to the challenges of the future concerning land management and balance any actions to minimise adverse aspects on the economy. Through sound development, as carried out through the Vegetation Management Act, we seek to get the balance right.

The amendments will have retrospective effect to ensure the important certainty associated with these laws—certainty for past decisions, certainty for decisions currently being made and certainty for future decisions. The Bligh government is committed not just to good land management practice but also to ensuring certainty for development. The regulation will confirm the status of a regional ecosystem, identifying vegetation as being endangered, of concern or not of concern.

The interpretation applied by my department is consistent with established scientific methodologies which have been readily available and used as a basis for sound decision making, including in legal cases, to date. This is consistent with the policy intent of the act to conserve endangered regional ecosystems. Without amendment it could lead to a downgrading of endangered vegetation to of-concern or not-of-concern vegetation resulting in a move away from the policy intent of the Vegetation Management Act.

The retrospectivity ensures that the decisions already made are certain. This includes development applications, financial assistance applications and the ballot for broadscale clearing. The bill makes clear that the amendments have retrospective effect for all purposes, including all civil and criminal proceedings, to validate all past decisions relating to ecosystem definitions made since 2000. I am confident, on the balance of community interest, wide support of the legislation, including from many Liberal members sitting opposite me today, that retrospective application is justified because these were endangered regional ecosystems at the time, determined using clearly articulated methods, mapped on certified vegetation mapping and prescribed in the regulation as endangered regional ecosystems. These amendments are necessary to ensure that the implementation of the act can continue as intended by the Queensland government, and certainty and stability of vegetation management in Queensland is maintained.

The act has played a significant role in the future sustainability of Queensland, addressing a wide range of issues associated with clearing of vegetation, including protecting biodiversity, preventing salinity and reducing greenhouse gas emissions. These amendments are necessary to ensure that these benefits to Queensland and the government's policy objectives for conserving vegetation can prevail.

Before I commend the bill to the House, can I say that we on this side of the House stand committed to preserving Queensland's natural assets. I look forward to the support of the House for this bill.

Debate, on motion of Mr Hopper, adjourned.

Sitting suspended from 12.58 pm to 2.30 pm.

LOCAL GOVERNMENT AND INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Resumed from 12 February (see p. 70), on motion of Mr Mickel—

That the bill be now read a second time.

Mr NICHOLLS (Clayfield—Lib) (2.30 pm): At the outset, I indicate that the coalition, after a careful and thorough consideration of the legislation before us and after consulting with various parties, is unable to and will not support the Local Government and Industrial Relations Amendment Bill. Over and above our concerns about the content of the legislation we are also concerned about the haste with which it has been prepared, introduced and brought on for debate.

Nothing exemplifies this more than the fact that a briefing on the proposed amendments to the legislation was held at 1 pm today. I acknowledge that the minister made sure that we were briefed and I thank him for that. The very day the government wants to pass this bill we are receiving amendments that require some consultation and some consideration and reflection before being passed into legislation. By no stretch of the imagination can this be called a proper consultation process nor can it be considered to fulfil the principles of democracy that allow proper consideration of legislation before it is debated.

The legislation is the payback demanded by the union movement from this government—payback for the unions, and particularly the shameful acquiescence of the AWU, the QSU and ASU, to the Labor state government's deeply unpopular forced amalgamation of local councils. While local communities and councils were being railroaded into amalgamation, while employees' jobs were being put at risk and while local communities were being torn apart, the union movement sat on its hands and did not raise one squeak of protest. Why should they? They knew that the amalgamation process was their path to power and influence without having to stand for election. The appointment of union hacks to amalgamation committees ensured union power and dominance would be increased without so much as a 'by your leave' to the local residents of the local council areas—in effect, union government by stealth.

What else is the union movement seeking payback for? Perhaps for their support to the tune of $65 million Australia-wide in the recent federal election. No wonder Labor is so beholden to the union movement. No wonder when big Bill Ludwig, David Smith and other backroom heavies say 'jump' this government stops only long enough to ask how high and how many times. When it comes to entrenching union power in local government this government and its members have no hesitation in selling Queensland councils, ratepayers and residents down the drain.

Make no mistake about it, that is what this legislation is all about: one, union dominance; two, union power; and, three, union income. If it were really about protecting employees' wages and conditions why would the single largest council in Queensland—employing the largest number of council officers and employees; more than 7,000 people—not be covered? Why has the government chosen to exclude the Brisbane City Council? The Brisbane City Council, which employs almost one-sixth of the 37,000 local government employees in Queensland, is not covered by this legislation.

Where is the minister's commitment to those employees? Can it be that he admits that those employees are in fact better served by a Liberal administration under Campbell Newman now, and after 15 March, than they ever will be by this government and the minister's faulty, untried legislation and his so-called mates in the union movement? It is interesting to see that the Scrutiny of Legislation's *Alert Digest* tabled this morning raises exactly the same issue. Paragraph 7 reads—

> The explanation given for this bill not affecting BCC employees is that the BCC is not affected by the local government reforms. This is a curious reason for excluding the BCC employees from the protection of the State industrial system. Further, it does not resolve the perceived uncertainty over the status of the BCC as a constitutional corporation within the federal WorkChoices regime.

There we have it. The Scrutiny of Legislation Committee, an independent committee of this parliament, looked at it and said that it is very curious that in the minister's second reading speech and the explanatory notes it says that the legislation does not apply to the single largest local authority in the state—a very curious reason. One wonders whether in fact the minister or his department even contacted the Brisbane City Council to see whether it wanted to be part of this and what sort of response the department might have received from the council if it had asked that question. Perhaps the minister can enlighten me whether his department did in fact seek to see whether the Brisbane City Council wanted to be part of this. I would be very curious to hear the answer to that particular question.

Mr Hinchliffe interjected.

Mr DEPUTY SPEAKER (Mr Hoolihan): Member for Stafford.

Mr NICHOLLS: Thanks, Mr Deputy Speaker. He could not make it in the council a couple of years ago so he has backed up again. All this is from a minister who, according to reports, secretly proposes a project called Project Rebus, which will reportedly lead to the loss of 1,200 jobs in Queensland Rail in rural and regional Queensland.

Why is it that the minister's concerns extend to local government—excluding those in the Brisbane City Council; the single largest employer—but do not extend to the protection of employees of Queensland Rail? Is there a factional turf war within the Labor Party? Is the AWU fighting the RTBU? We know that the RTBU spat the dummy last year when the Premier announced the proposed new structure for Queensland Rail and immediately demanded meetings with the minister to tell him what was what on the railways and what they would expect.

This is the same minister who has a longstanding dislike of local council and councillors. Let us not forget that the same member introduced the policy that local councillors could not stand for state or federal parliament without first resigning their positions—that heavy-handed and almost cack-handed operation to introduce legislation to prohibit the true operation of democracy in Queensland. Legislation was introduced, a challenge was mounted in the High Court and it was successful so far as it related to

this government's attempts to control the operation of the federal Constitution and the election of federal members. This minister has form when it comes to uncertainty and local government reform. He could not get the first bit of legislation that he was the author of right. That sets the stage for this legislation. This is payback demanded of this government and obsequiousness delivered by the minister and his government as they bow down to the power of the backroom boys and girls of the union movement.

How does the legislation work? It, in effect, changes the status of councils from being constituted as corporations to being constituted as some amorphous body comprising its councillors, and when there are no councillors its chief executive officer, and in certain circumstances an administrator where the council has been dismissed. In effect, it decorporatises local government.

Clause 10 of the bill effectively removes over 100 years of tried and tested legal certainty and replaces it with a concept determined from a drought measure from South Australia introduced in 1944 and decided in the High Court in 1947. Truly the government is moving back to the horse and cart days when it relies on the Chaff and Hay Acquisition Committee case.

What is the impact of this change? Local councils which were once constituted as a corporation with succession in perpetuity, with separate legal personality, with powers to sue and be sued, with power to hold property, with power to enter into contracts, with all the legal and commercial certainty that that involves and with autonomy and independence—that is all thrown out—are now constituted based on an obscure 1947 decision from the High Court and a decision that was not even unanimous in the first place and is not used for local councils anywhere else in the English common law world.

Up until today in Queensland a local government is described as a body corporate with perpetual succession. In New South Wales, under section 220 of its local government legislation, a council is a body corporate. In Victoria a council is a body corporate with perpetual succession. In Tasmania a council is a body corporate with perpetual succession. In Western Australia the local government is a body corporate with perpetual concession.

In South Australia section 35 says that a council is a body corporate with perpetual succession. In the Northern Territory section 7 says that a council is a body corporate with perpetual succession. In New Zealand a local authority is a body corporate with perpetual succession. In the United Kingdom in Wales a council shall be a body corporate. The Local Government Act 1972 of the United Kingdom says that every council shall be a body corporate known as the county council or the district council. Even the local parish councils are described in section 14 as a body corporate. The Greater London Authority is a body corporate. In Canada in British Columbia each regional district is a corporation. In Ontario municipalities are incorporated as a body corporate, and even in French-speaking Quebec the municipality shall constitute a corporation.

There is a theme that emerges from all of those things, and that theme is that local councils have, for as long as people have been constituting local councils, been constituted as corporations. They have been constituted as corporations for a very good reason. In every common law jurisdiction that has a council that we have been able to investigate, local authorities are constituted as bodies corporate. It provides certainty for councillors, ratepayers, residents, employees and all parties who have dealings with the council. It is understood throughout the world as being the single-most appropriate form of constituting local councils and local authorities. What we have here today with clause 10 of this bill is something completely unknown to local authority constitutions. What we will have if this bill is passed is something much more akin to either an unincorporated association or a state government instrumentality.

It is interesting to look at the facts of the chaff and hay case as there are important and significant differences between the committee and what local councils do and as it is used as the basis for the legislation we see here today. The terms of the Chaff and Hay Acquisition Committee were clearly that the committee was established as a government instrumentality to acquire chaff and hay during a time of drought in South Australia. In fact, the act specifically stated that the committee would be deemed to be an instrumentality of the Crown—subject to the direction of the Crown, not autonomous, not independent, not constituted by elected representatives but constituted by four members appointed by the government. Funding was provided by the Treasurer of South Australia and members of the committee were entitled to an indemnity from the state government of South Australia. Additionally, its powers were limited and the power to acquire expired on a certain date in 1945. To compare those functions with those of an autonomous self-governing council is quite frankly ludicrous. That is why the Local Government Association is so concerned about these proposals and in its media release of 13 February expressed its concern by stating—

> Rather than providing more stability for councils and their employees, this issue has created more uncertainty and anxiety at a time when councils are focused on implementing the government's amalgamation program.

So this will not provide more certainty but less certainty, not less anxiety but more anxiety. The representative body of local governments has made its position clear, and that is why the association called on the state government to indemnify councils against any loss or damage they suffer as a result of the new legislation—a call that has so far gone unheeded. As well as requesting a commitment in relation to indemnity, the LGAQ also requested a commitment that the act would be repealed once

Commonwealth legislation is amended to exclude local government employees from federal legislation. Interestingly, the government has given no such commitment, only promising to consider the ongoing need for these new arrangements once workplace relations reform by the current federal Labor government has been implemented. Given this government's history on promises to local government in the past, this promise rings very hollow indeed.

Many councils have expressed their concern to the Local Government Association, the council of mayors and the government directly, only to be fobbed off with bland assurances and statements. Councils quite rightly ask why this legislation is necessary so far as it decorporatises local authorities and whether or not a sledgehammer is being used to crack a peanut simply to appease the ideological preferences of the union movement. Concerns include liability for councillors, CEOs and senior officers for acts done in the name of the council; maintaining council's significant autonomy and independence in respect of day-to-day actions without involvement of the state; perceptions of councils as statutory authorities subject to significant government direction and control as opposed to being autonomous bodies; inadvertently councils becoming subject to statutes that bind state authorities and that do not and were not intended to apply to those councils; and the impacts on commercial dealings for major projects.

It is fair to say that local authorities are busy obtaining much legal advice about these uncertain matters. Advice I have seen from a significant, top 10 legal firm states—

The problem for local governments is that this creates a great deal of uncertainty as to the legal consequences and implications for local government, its councillors and senior managers. The amendment act does provide for some degree of protection, but the LGAQ quite rightly points out that this change creates a great deal of uncertainty, with the real implications not properly understood until some time down the track, if and when serious consequences from this legislative change start to arise. In other words, the change is quite far reaching and I'm not sure if anyone has sat down to research implications for local governments, councillors and senior management in terms of risk liability etc.

If the minister has advice from crown law, which I have no doubt has been sought, I call on him to table all of the advice he has received about this legislation. I call on him to put his advice on the table so that the Local Government Association and people in this place can understand the basis of this almost unique legislation in terms of local governments, because presumably that advice can address the very significant concerns raised by the LGAQ, by councils themselves and by me and by other speakers here today.

Practically, we may need to consider what some of the implications of the decorporatisation being effected here today may be. For example, most grant applications need to be made by an incorporated body. That will not be councils after today. This applies to both state and federal grants commonly made available to local governments. Whether it is for upgrading the toilet blocks in the park, upgrading a waste transfer station or simply applying for one of the many cultural and heritage grants often available, the question now has to be asked: how will councils apply if incorporation is a feature of the application? AusLink moneys are often disbursed to local councils on the basis that they are incorporated. How is it proposed that local councils, after this legislation is passed, will satisfactorily apply for those grants?

Local authorities deal to a large extent with civil contractors and waste contractors. Often they enter into long-term contracts and those private enterprise operators with whom they deal often organise long-term funding and financing on the basis of the certainty of those contracts entered into. Those contractors and their associations—the civil contractors' association and the waste contractors' association—are now placed in a considerable position of risk and uncertainty as a result of those changes and are in fact having to approach their financiers with a view to obtaining certainty about those contracts being entered into.

What is the status of local government corporations owned by local councils? This will be of particular concern in those areas where, for example, there are rural electrification schemes and there are special bodies established by local governments to carry out these improvements for the lives of local communities. We have a body made up of its councillors owning shares in a local government established and operated corporation. What is the liability position of councillors, CEOs and senior officers? Section 38A, introduced by clause 12 of this bill, purports to limit liability to local councillors acting honestly in the administration of the act. It is interesting again to see what the *Alert Digest* says. Paragraph 12 of that digest states—

The most significant consequence of removing the corporate status of the local governments in Queensland is to abrogate their status as a separate legal entity. Instead, they will be constituted—

Mr Schwarten interjected.

Mr NICHOLLS: If the member listens, he will find out what it means. It continues—

Instead, they will be constituted by the councillors elected to each Council.

Mr Schwarten interjected.

Mr NICHOLLS: The member should be concerned about this. He was a councillor once. It continues—

So whenever the Act refers—

Mr Schwarten: And a very good one, and I can read. I don't need you to read it to me.

Mr NICHOLLS: What can you read? It is what you read, not the fact you can do it. It continues—

So whenever the Act refers to a local government—

A government member interjected.

Mr NICHOLLS: It is better than reading your predecessor's. As the *Alert Digest* states—

So whenever the Act refers to a local government, it is effectively referring to the group of elected councillors who comprise the local government. These councillors are thereby rendered liable for all the activities of their local government.

It says that these councillors are thereby rendered liable for all of the activities of their local government. It continues—

The status of a local government is effectively converted into an unincorporated statutory association whose councillors assume all the rights and liabilities of the local government. It is therefore imperative that the bill provides full legal protection for the councillors. Yet this does not appear to have occurred.

The independent Scrutiny of Legislation Committee says that it is imperative that full legal protection is provided to councillors. Paragraph 14 of that same report is critical of the purported indemnity given in proposed section 38A. It concludes by stating—

This leaves councillors legally vulnerable to being sued for failures not only on their part but also on the part of their local government which they now constitute.

Unlike the Chaff and Hay Acquisition Committee, which was constituted with a specific indemnity, this legislation provides no indemnity for councillors, CEOs or senior officers. It will be recalled that that was one of the indemnities that was sought by the Local Government Association. Paragraph 14 of the *Alert Digest* further states—

This protection does not clearly cover any omissions or failure to act on the part of a local government councillor or a local government.

These and other concerns have not been adequately addressed in any way, shape or form by this rushed, hurried and unnecessary legislation. Questions must also be asked about the capacity of this new form of local authority to operate interstate under Australia's Corporations Law. It is often the case that councils enter into contracts with organisations and people in what is legally known as foreign jurisdictions—that is, outside Queensland. At common law the principle of comity would in ordinary circumstances allow recognition of a foreign legal entity. It is not so clear if that would apply with this type of entity, which is created as a quasi corporation. It may be that a quasi corporation may also be a corporation for the purposes of some provisions of the Commonwealth Corporations Act. If that is the case, the question is whether the local authority would be able to trade interstate if it were not registered under division 2 of part 5B.2 of the Corporations Act 2001. It may be that it does, but this is just one example of the hoops that local authorities in Queensland will now have to go through and be certain of before they will be able to carry out their day-to-day commercial activities.

A similar but slightly different matter is the impact that the legislation will have on the existing rights and liabilities of local government. We know that there are provisions in proposed sections 1294 and 1295 that purport to address the impact of the change of the legal status of local government. Again, the Scrutiny of Legislation Committee in its *Alert Digest* highlights the significant uncertainty and confirms that the concerns raised by the Local Government Association by individual councils, chief executive officers, councillors and others are entirely valid. Paragraphs 19 and 20 of the *Alert Digest* state—

The bill does not adequately address the effect of the change in legal status on the existing rights and liabilities of each local government. This has a consequential impact on all persons and bodies who deal with a local government.

So that is everyone—from the humblest ratepayer to the biggest contractor. Across the range, they are impacted by the failure of the bill to adequately address the change in legal status. The *Alert Digest* states further—

Before this bill takes effect, all property of a local government is vested in the corporate entity; all contractual relations are with the corporate entity; all legal proceedings to which a local government is a party are instituted by or against that legal entity; all debts incurred by or owed to that local government are incurred by or owed to that legal entity. Once the bill takes effect, that legal entity disappears and the local government is thereafter constituted by its councillors. It is unclear as to whether they assume ownership of that property; become party to those legal proceedings; assume the benefit or burden of those liabilities, etc. None of these matters is adequately addressed in proposed sections 1294 and 1295.

Indeed, section 1294(2) seems to defy the logical legal effect of the change in legal status from a corporate entity effected by subsection (1). A change in the constitution of a local government must affect the local government's assets, and rights and liabilities. The bill ought expressly declare that the assets and rights and liabilities of the pre-existing local government corporate entity are now vested in the newly constituted local government entity comprised of the local councillors ... Even if sections 1294 and 1295 might be interpreted as implicitly having this effect, express provision along the lines suggested should have been made to avoid the risk of legal controversy.

The Scrutiny of Legislation Committee's *Alert Digest* has raised very real concerns and issues in relation to legal certainty. The question that has to be asked is: why on earth is this legislation necessary? The federal Labor government is currently committed to changing the current workplace relations regime. The federal opposition has indicated that it will not stand in the way of those changes. The path is clear and free of any obstacles that can raise any concerns. Could it be that the government is afraid of the outcome in the Etheridge Shire Council case and wishes to avoid any consequence of the outcome of that case for which a decision is currently pending? Is that the reason hundreds of years of legal certainty is being cast away by this inequitable, rushed and improper legislation? As I pointed out earlier, this legislation cannot be for the protection of employees; otherwise, why does it exclude the Brisbane City Council?

I turn now to the industrial relations component of the bill. It is noted that the amendments are necessary in order to protect workers' current entitlements—this is important to note—under the federal scheme. So we have the state government introducing legislation to remove employees of local government from the federal jurisdiction, but at the same time seeking to preserve the rights and conditions of those employees protected under the federal industrial relations system. What a consultants paradise! IR and HR specialists will be flocking to local authorities to provide them with the necessary advice to navigate through the minefield that this legislation lays in place.

It is also interesting to note that the model disputes settlement procedure that is contemplated by the legislation again entrenches the role of unions. Proposed section 746 and its table clearly sets out those unions that are being looked after by this government and by this legislation. Under this government the closed shop, the restrictive work practices, the union intimidation and bullying and the unwelcome intrusion into the workplace are all coming back. Proposed subsections 751(4) and 751(5) effectively allow unions to muscle into the workplace. It requires only one union employee to make a request and the union is back ruling the roost once again.

This legislation is not about protecting the rights of local government employees. If it were, why would the largest council employer, the Brisbane City Council, be excluded? Purely and simply, this legislation is about this government tugging its forelock to its union masters. In the view of many, this legislation is without precedent. It is unworkable, it is unnecessary, it creates confusion, it creates expense and it is poorly thought through and presented. My prediction is that we will be back here amending legislation because of this bill before this government's term is completed. The bill is a disgrace and should be rejected outright for the damage that it will do to local communities and local government.

Mr FENLON (Greenslopes—ALP) (2.57 pm): I rise to speak in support of the Local Government and Industrial Relations Amendment Bill 2008. In my brief contribution to this debate this afternoon I can only ask: whatever happened to the National Party that we knew and loved—that National Party in Queensland that we once knew, that stood up so vehemently to protect Queensland's rights and independence from those erstwhile villains in Canberra of whatever political guise? This legislation asserts the rights of Queensland and of Queensland workers in the face of whatever legislative onslaught we might face from Canberra.

It is certainly ironic that it is the Labor Party in this place that is asserting exactly that through this legislation and that it is the coalition in this place that is opposing the Labor Party in standing up to protect the right of Queensland to legislate in its own domain, in relation to its own economic issues relating to labour—or in relation to any other matter—and indeed to ensure that Queensland workers continue to be independent from whatever exigencies we might expect from Canberra.

This is a piece of legislation which is about the protection of Queensland workers. What better objective could we have than to legislate to protect the terms and conditions of employees affected by the local government reform? This legislation is related to the 2007 reforms, which were certainly appropriate. The way in which matters have proceeded since 2007—and people all over this state have gotten on with the amalgamations and can see a very positive future and a far more rational local government structure—pays testimony to this. What we have now is some tidying up to ensure that the very correct undertakings, the very appropriate undertakings, that this government made to those workers that they reasonably asked for—to preserve their terms and conditions—will be protected, and this legislative instrument will ensure that. How anyone could possibly argue against that is indeed baffling. That is a very simple objective and it will be fulfilled by this legislation.

This legislation is about a number of motherhood issues. I have dealt with two of them. The third motherhood issue is simply to ensure that institutions and individuals in this state do not live with uncertainty. Whether they come from my electorate or elsewhere in our state jurisdiction, people can live with all sorts of adversities. One of the most undesirable inflictions on individuals and organisations is uncertainty. This piece of legislation sets out to ensure that local government, if there was any doubt about it at law, is put out of the reach of the Workplace Relations Act. But what of the Workplace Relations Act? I can only say one thing: Kevin07. The people of Australia have spoken on this matter. If ever there was a single matter that this country voted on at the last election and that this federal

government can say that it has a very clear mandate on it is the industrial relations reforms that it promised going to the federal election. Those promises were to trash the very unwieldy, unpopular, unusable, inappropriate and unfair Workplace Relations Act.

We see here today in Queensland the fact that even the federal coalition is in step with the general thrust of what this legislation is about. Even the federal coalition has collapsed to swing behind the federal Labor government's reforms to the industrial relations system in terms of disposing of that very poor piece of legislative drafting in the form of the Workplace Relations Act. In terms of the political mix of the whole of Australia, there is only one body that is out of step at the moment and that is the Queensland coalition. It is out of step with its federal counterparts and is still pursuing what we can only see as anti-unionism, scaremongering and paranoia, which has been shown to be outdated and unpalatable with the Australian population. The federal election campaign showed that, even with extraordinary expenditure from the government and from certain peak business organisations, that sort of scaremongering and paranoia simply does not work anymore. It is all over. People accept and can understand that trade unions which reasonably, rightfully and legally represent their members have a very important place in this society. In that sense, their objectives in pursuing the rights of their members are very directly and clearly congruent with the objectives of this government's intentions with this piece of legislation. It is indeed a very important piece of legislation, but at this point it is more symbolic of what has occurred in recent history apropos the federal government's changes and its own attempts to reform industrial relations legislation.

This legislation will ensure that local governments continue to structure their employment arrangements in ways that are directly appropriate to their business operations. This is about allowing local governments to get on with their daily business in a reasonable and free manner and in a manner that provides clarity to their daily operations. This is an important piece of legislation which will ensure that our local government reforms can be finalised and implemented smoothly and that Queensland can operate in its own independent manner, as it has done for so many decades, and in a way that we have seen over so many decades throughout our history. Governments of different persuasions historically support those fundamental principles. It is only today that we see such an incredible deviation from that history, if indeed it is true that the opposition will vote against this bill. I commend the bill to the House.

Mr HOBBS (Warrego—NPA) (3.06 pm): I am pleased today to speak to the Local Government and Industrial Relations Amendment Bill before the House. It is obviously with great sadness that we have to oppose this bill. Local government was a wonderful organisation but it has been changed from local government to regional government by this state government. However, this bill goes further than that. This bill changes the constitutional corporation status of local government. Quite frankly, it places at risk $80 billion worth of assets held by local government. The councillors and staff are further put at risk simply because not enough homework has been done.

We understand the reasons why it was done in relation to the industrial relations set-up. We all know that the Rudd federal government won the last election and it is changing the WorkChoices arrangements. That should have satisfied this government's desire to do away with the WorkChoices agreements and allow the local government employees to get back into the state system. However, for some reason this government is pushing ahead with these changes much faster than the federal government is moving.

There is no necessity for this bill to come before the House in such a form. The government won the election. It has a right to do what it wants in relation to industrial relations. I do not necessarily agree with it; however, that is what it has decided to do. The issue that I wish to raise in the parliament—and to alert the people of Queensland—is what the government is actually doing to local government as a consequence. I endorse the words of the shadow minister, who spoke very well about the issues in regard to this bill.

As a corporation, local government had perpetual succession, a common seal and they sue or can be sued in its name. The government is taking that away. It is decorporatising local government. At this stage the best legal advice that we have is that the government has not put in place responsible and appropriate mechanisms to allow local government to operate effectively and safely. If the government does have some legal advice, we would like to see it. No doubt someone has sought crown law advice. It would be extremely interesting to see it, because I do not believe that that crown law advice would support this legislation. There is no way in the world it could support it.

Currently, Australian law only recognises two entities which have the ability to contract: natural persons and bodies corporate. Without corporation status, local governments will not be able to be separate legal entities, they will not be able to contract and they will be incapable of being employers. The government has said in legislation that all of those things can be done because it says so. The reality is that it has not been tested in law. As far as we can see from the legal advice that we have, the government does not have the right to do this. We need somebody from the other side to provide the legal advice that it is possible for the government to do this.

Obviously the Local Government Association has been watching this very closely. In its view, there is no clear advice that the operations of local government can continue. It has requested an indemnification by the government for the future activities and roles of local government. It is an extraordinary step to have to ask the government to provide such an indemnity. Surely the government should have been able to allay those fears in the first instance, although I certainly do not believe that it has.

I wish to quote from a letter that was written recently by an interim chief executive officer to the government. He says—

My concerns in relation to this question are as follows:

1. Neither the applicable legislative provisions nor my role description provides me with power to actually appoint persons to a new role.

He is referring to the interim arrangement to allow for employees to be changed over to the new council.

Mr PITT: Mr Speaker, I wonder if the member opposite would table that letter so that we can all have a look at it.

Mr HOBBS: The minister probably has a copy, but I will table it when I have finished. The letter continues—

I am aware that pursuant to my Role Description and the *Local Government Reform Implementation Act* 2007 (Qld), I have authority to prepare the proposed interim staffing strategy ... and through communicating with employees, facilitate the transition of the merging local government to—

the particular council. It goes on—

However, this, in my view, does not provide me with an express power to enter into contracts of employment with future employees ...

It goes on. There are pages of this, but I want to get to the main bit. The letter continues—

As I understand it, the Bill states that the new local government created pursuant to the Bill is not a corporation and (in the absence of any express reference to another legal entity) is constituted by either *"the councillors of the local government"* or, in their absence, *"the local government's chief executive officer"*.

As as a result of this change, I am concerned that whilst performing the role of Acting CEO during the period from 15 March to when the Council is formed (which may be a period of 2 weeks) (the **relevant** period) I may be held personally responsible for all decisions of—

the transitional council—

and also personally accountable in the event that a person wishes to sue ... for actions during the relevant period. It is not, in my view, a disrespectful question to ask whether you would, as Minister, be prepared to undertake your role as a State Government Minister with the same degree of personal liability that this legislative framework potentially creates for local government Councillors and CEOs.

That is the situation, and we get this across-the-board. Professional people who for generations have been working for local government are genuinely concerned about this. They want to do their job properly and they are prepared to undertake the role in line with the changes, but the government has not thought this through. That is our problem. The letter continues—

If this guarantee and indemnity cannot be given, then I will be forced to consider whether I am prepared to accept the risk for the relevant period.

Please be assured that this question is not raised simply for my own benefit. It is also raised in the interests of the Councillors who will ultimately be elected to operate—

the transitional council. That is another example of the legal uncertainty. If this minister or other ministers have crown law advice available, I ask them to provide it. If the government cannot provide some sort of concrete legal advice, we have to presume that this bill has been cobbled together in the same way that most of the other local government legislation has been cobbled together.

The shadow minister talked about the Brisbane City Council. How strange it is that the Brisbane City Council is not tied up in this structure. That has nothing to do with amalgamations. It has nothing at all to do with it not being a part of the reform process. The only reason is that the council elections are on and it would have been on the front page of the *Courier-Mail* on a regular basis. That is why that has not been done.

Mr Pitt interjected.

Mr HOBBS: The minister has put this in the House and he has to cop it. I ask the minister to answer this question: why has the Brisbane City Council not been included? This is without precedent. It is unworkable and totally unnecessary.

The Scrutiny of Legislation Committee is also very critical of the legislation. It needs to be pointed out that it, too, has raised the issue of the BCC. Its report states—

This is a curious reason for excluding the BCC employees from the protection of the State industrial system.

Therefore, the Scrutiny of Legislation Committee—a committee of the parliament—also has some concerns. Its report further states—

There is some ambiguity in relation to the legal ability of local government councillors, and the effect of the bill on the rights and liabilities of those engaged in legal relations with local governments.

The only ones not concerned about it are the people on the other side of the House who are so intent and focused on industrial relations that they have totally ignored the whole area of legal liability for local government. The report states—

This leaves councillors legally vulnerable to being sued for failures not only on their part but also on the part of their local government which they now constitute.

The Scrutiny of Legislation Committee made that statement. It further stated—

Of further concern is the lack of any protection or indemnity for councillors in respect of their potential liability for the debts and other financial liabilities of their local government.

The parliament's own committee is saying this. The report goes on and on. It talks about merger, description and scope.

Mr O'Brien interjected.

Mr HOBBS: The honourable member may laugh at it, but the reality is that the parliament's committee has made these assumptions. The government can either thumb its nose at the parliamentary committee system and ignore it at its peril, or soldier on and one day face up to what it has done through this bill. The government has already made a mess of the local government amalgamation process, which the Labor Party says will cost $27.1 million. The reality is that $200 million would be closer to the cost of implementation and the government is asking the ratepayers to pay that. It has it all wrong. It is as simple as that. The shadow minister referred to some of the information in the *Alert Digest*, but that gives the House some idea of where this is all coming from.

I want to raise a number of other issues. The Local Government Association quotes Councillor Paul Bell as saying—

... we simply don't know what problems might arise down the track.

There is no precedent for this action anywhere in Australia or in any Westminster system of government around the world. We are in completely unchartered waters.

The government is putting $80 billion worth of council assets at risk of litigation. There are people out there now seeking to become councillors. They are slaving away, trying to get elected. Because of the new structure, some of them are paying a lot of money in an effort to get elected. But what will they be elected to? They will be like the dog that caught the car. They will get in and then think, 'Oh, hell. What have we got now? Why did we do this?'

I also want to refer to an interesting letter from the Torres Strait Island Regional Council Local Transition Committee. The Torres Strait is an area that this government has totally ignored. The minister and the Premier have been asked to go up there, but no-one has turned up. They have been left on their own. I will paraphrase some of the committee's letter.

Mr O'Brien interjected.

Mr HOBBS: You might learn something from this. The committee says—

We are embarking on one of the biggest amalgamations, and in some ways, more complex than other amalgamations. Not only are we amalgamating sixteen (16) Councils into one; we are taking a giant step from Community Government to Local Government ... The Torres Strait has experienced 23 years of Community Government.

...

Everything the Leaders of the Torres Strait have had to argue for, has been a result of the State Government listening to the Reform Commission and not the People of the Torres Strait. In fact, the Reform Commission did not listen to the Torres Strait, as all issues the Leaders have concerns about today, are issues that were raised in submissions to the Reform Commission.

... "since day one we knew that there would not be enough funding for the New Regional Council, formed by amalgamating sixteen (16) Councils into one. It has now been identified a $6.9 million shortfall in wages, once the CDEP wages component is removed. It has further been identified a shortfall of $0.8 million dollars for conducting the Committee Meetings and General Meetings of Council; and estimated that there is in excess of an additional $2 million dollars to properly service the Residents of the Regional Council along with providing the appropriate Governance and Accountability sought by the Government."

...

We fear that without sufficient funding the New Regional Council will inevitably fail ... We as Torres Strait Island People must remind the State Government that we had our own System of Government long before the Westminster System was imposed upon us."

The collective Members of the TSIRC LTC placed on record that they do not today, nor have never been, in favour of this amalgamation. Members have repeatedly stated the injustices involved; the Government's lack of consideration ...

...

The TSIRC LTC has met for the last time. Answers to questions posed to the Government last year still remain unanswered, and the people of the Torres Strait deserve these answers to life changing issues ... "It is the eleventh hour and we need a commitment from the State Government that sufficient new money will be made available to cover shortfalls identified today, and to provide for shortfalls in the future. History has shown us with amalgamations that the cost to deliver the new Council is greater than the sum of the amalgamating Councils. We expect an apology from the State Government for the disrespect shown to our Ailan Kastom, for the lack of consultation, for not visiting every affected Community once, to deliver this unsavoury message; instead leaving it to the Community Leaders to deliver on their behalf, and for the bullying tactics displayed and legislated."

That is a pretty heartfelt message coming from the Torres Strait, from the north. No-one has been there. Their local member does not turn up there and if he does they hunt him out. They feel deserted up there. They also said that they had sent an invitation to the Premier in November 2007 to go up there but she has not turned up at this stage. There are a lot of issues here that are of great concern to a lot of people, people who are the lifeblood of our regions.

With this amalgamation process the government has taken away a lot of the leadership in those areas and put in place a system that we know will not work. We are seeing deamalgamations happening around the world. We have even seen deamalgamations occurring in Australia. Canada and the US are deamalgamating because they find that to be much more efficient.

Mr Hinchliffe: Which ones? Give us an example. Name an example.

Mr O'Brien interjected.

Mr HOBBS: Try and google it. That is how you find doctors—google them.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Stafford! Member for Warrego, please direct your comments through the chair. Member for Cook, you are being repetitive.

Mr HOBBS: It would be good if the member for Cook would say something positive about the people in his area. That would be fantastic. The people of the Torres Strait have to rely on us on this side of the House to give the message because the local member up there is missing most of the time. He does not even turn up and if he does turn up they hunt him. I do not think the member for Cook needs to say a great deal at present because I do not think he is taken seriously in that region.

Let us move on to what this government is doing to local government. The state government is taking away local government's very existence by decorporatisation. The local government minister—I know this is not his bill—should be able to provide some legal advice to this parliament that can quite clearly show that what the government is doing is correct. If he cannot, then it is quite clear that what the government is doing is placing local governments at risk—at very serious financial risk.

The minister's own explanatory note talks about the situation with councillors. He has said that he will have a look at indemnification. So he is admitting that there is an issue there. But I do not think the government is going to put up any money or give any comfort at this stage to ensure that those councillors who take on this role are going to be protected from liability. In the past when a council was sued or when a council entered into a contract, it used the common seal of the council. Now it has to be done by individuals—by the councillor, by the mayor, by the CEO as individuals.

All they have is an explanatory note, which means nothing, which says, 'The government says it is all right.' The reality is that nobody believes you. Local government does not believe you. There were not 10,000 people here in the street rallying against amalgamations for fun; they were here because what was going on was not right and in their view was not fair. I appeal to the minister to provide an ironclad guarantee of indemnification to local government and to provide legal advice that shows quite clearly that local government councillors and employees are going to be fully protected from liability.

Tabled paper: Letter, dated 22 February 2008, from Mr Philip Spencer, Toowoomba Regional Council to the Hon. Warren Pitt MP relating to the Toowoomba Regional Council.

Mrs SULLIVAN (Pumicestone—ALP) (3.26 pm): I rise to support the Local Government and Industrial Relations Amendment Bill. In doing so, I place on record my backing of the Rudd federal government in trashing the former Liberal government's WorkChoices. It will take some time for Kevin Rudd to implement the workplace reforms, but he and his colleagues will consult and collaborate with the stakeholders, unlike the previous Liberal government. The member for Greenslopes was right in his comments regarding WorkChoices when he said how devastating they were to his constituents. Never before have I heard so much anger and disappointment expressed to me about a piece of federal legislation that has had such a devastating effect on so many constituents in the electorate I represent.

It has been shown that WorkChoices reduced the living standards of many working families throughout Australia and I, along with many members of this House, were in a position to listen to those individuals and families who were so badly affected by the Liberal's WorkChoices. Things like weekend penalty rates, overtime and meal breaks, shift penalties, paid public holidays, allowances and even leave loading were all negatively impacted on.

What this bill does today is put in place an important commitment made by the Queensland government to do everything possible to ensure that council staff are covered by the state industrial relations system. Council employees will have their terms and conditions and accrued entitlements protected and transferred to the new council authority employing them, and there will be no forced redundancies.

The bill marks an important stage in the transition to new council arrangements. It takes away the uncertainty and guarantees that industrial arrangements are appropriately regulated from the beginning of this new chapter for councils in Queensland. This is the third bill to amend the Local Government Act

1993 to provide for the historic structural reform of councils, which was initiated last year and was overdue and necessary. Unlike the member for Warrego, I had a conga line of people from my area who came in and told me what a great idea it was.

The parliament has already considered and passed the Local Government Reform Implementation Act 2007 and the Local Government and Other Legislation (Indigenous Regional Councils) Act 2007, both of which I supported. In addition, regulations have been made to implement the transition to new Queensland council arrangements. The regulations will transition regulatory and administrative arrangements for merging and adjusted councils on changeover day, put in place the Local Government Reform Commission's recommendations for joint councils and establish community forums for newly established Indigenous regional councils to recognise and protect the unique Torres Strait Island customs and Aboriginal culture and customs.

Council elections will be held on Saturday, 15 March 2008. It is then that the structural reform of councils will be implemented. The number of councils will reduce from 157 to 73—a move that, as I said, has been popular, by all accounts, from the responses that I have received in the Pumicestone electorate. The Caboolture Shire Council will be no more. It will amalgamate with Redcliffe and Pine Rivers councils to form the large Moreton Bay Regional Council. This new council will be more sustainable and better placed to serve its communities.

Change is in the air from another perspective, and all those warming the council benches in Caboolture who voted to remove the 10 per cent discount on ratepayers' minimum general rates bill should be warned. It was a very unpopular decision and hurt the hip-pocket of 70 per cent of Caboolture shire residents. Only John McNaught and Lyn Devereaux stood up for ratepayers and voted against the motion and I wish them well in the forthcoming election. I urge ratepayers to do their homework and elect those representatives who will serve in their best interests.

In those councils affected by reform, local transition committees have been working hard to lay the groundwork for mergers to take effect on 15 March. Those committees are comprised of councillors from each of the merging councils, union representatives and, in some cases, a community representative. Transition committees have developed plans to inform and guide the incoming councils, including budgets, interim service delivery and administrative arrangements. They have also developed plans to ensure a seamless transition to the new councils.

The bill also supports new councils after changeover day by allowing them to defer some of the national competition policy requirements for councils' significant business activities. Others may decide to proceed with complying with the act as usual. New councils will not be required to identify new significant business activities or to ensure that a public benefit assessment is undertaken until July 2009. This will allow new councils, which have large business activities as a result of merging several business activities, to defer complying with those arrangements. I take this opportunity to wish all the councils well. I commend the bill to the House.

Ms STONE (Springwood—ALP) (3.31 pm): I rise to support the Local Government and Industrial Relations Bill 2008. This bill will provide important protection for local government employees by ensuring that they are covered by the state industrial relations system. This legislation will remove current uncertainty about whether the Commonwealth WorkChoices system applies to local government. These amendments apply to all local governments except Brisbane City Council which is created under a different act of parliament.

The bill changes the entity of local governments to ensure that they are not in the jurisdiction of the federal workplace relations legislation. This is the best way to protect the existing rights and entitlements of local government employees affected by the local government reforms. We know that the federal Labor government is committed to enabling state governments to determine the appropriate approach to industrial relations arrangements for local government employees; however, the timing of changes to federal legislation to implement this is uncertain. This bill ensures that the Queensland government's approach is implemented as soon as possible.

The amendments ensure that local governments continue as entities constituted by the mayor and councillors. Local governments will continue in existence with express provisions to ensure that the change in status does not affect a local government's rights, assets, liabilities or contractual relations.

Immediately after the March 2008 elections some councils will have a short period with no councillors until the poll is declared. For that short period the bill provides that the entity of the local government is constituted by the chief executive officer. At any time that an administrator has been appointed for a local government under the act, the administrator constitutes the local government. The bill indemnifies individual councillors, chief executive officers and administrators when constituting the local government for the honest actions of the local government in performing its functions. Until now, being a body corporate gave individuals this protection from individual liability. The new provisions in this bill ensure that the change in local governments does not result in any additional individual liability. Local government employees continue to be indemnified against any civil liability for an act or omission that is done honestly and without negligence under the Local Government Act 1993.

Another aspect of changing the nature of local government entities is to replace the use of a common seal to execute documents with a signature on behalf of the council. Documents may be executed by the mayor, a councillor authorised in writing by the mayor or as provided for in a regulation made under the act. The bill ensures that none of a local government's decisions or actions or its assets and liabilities are affected by the change in status. Everything that was in place before these amendments come into effect will be the same afterwards. The only change will be the clarity that the Queensland industrial relations system applies to local governments and local government employees.

I, like the member for Greenslopes—and we have just heard the member for Pumicestone—know just how important the industrial relations system is to the people of Australia. This was noticeable in the federal election; it was the issue of the federal election. That demonstrates just how important this bill is and I commend this bill to the House.

Mr MALONE (Mirani—NPA) (3.40 pm): It is with pleasure that I rise to speak on the Local Government and Industrial Relations Amendment Bill. Speakers on my side of the House have raised the issue of whether we really need this legislation. Do those on the other side of the House really trust the Kevin07 federal government to actually withdraw the WorkChoices legislation from the federal parliament and therefore from Corporations Law in Queensland? Are they willing to accept that the WorkChoices legislation will be gone in a short number of years? It appears that they are not. It appears that they do not trust Kevin07 in the federal parliament.

It is unbelievable that a piece of legislation that has myriad flaws in it is being brought into the House. It is quite naive to think that we could rely on a High Court decision of 1947 that was brought in under emergency wartime measures. It is unbelievable that the legal liability protection for $80 billion worth of council assets throughout Queensland is being put on the very flimsy basis of one High Court judgement. There are others in this House who have the legal background to explain that far better than me—and they have. It is disappointing to see that we are continuing to attack the basis of local government in Queensland after the disastrous and heinous attack in the form of the amalgamation process.

The real issue, of course, is that currently there are potential councillors out there who are attempting to gain a place on the regional councils right throughout Queensland and I wonder whether they really are sure in their own minds when it is highlighted to them that their protection from liability is based on a High Court judgement in relation to a chaff and hay case back in 1947. I guess they will be very, very pleased to think that this Queensland government has so much confidence in this legislation that it bases its legal precedent on that.

As other speakers on this side of the House have said, if the government is so sure of its basis for the protection of local government, let it table the legal advice that it has in respect of this matter. We on this side of the House would be happy to accept that. There seems to be something very smelly about a piece of legislation that has been brought into the House without supplementary legal advice to give us some surety in this matter.

We are heading into a new era of amalgamated councils—of huge councils, in fact. We have seen in the last few weeks tremendous damage to infrastructure right throughout Queensland as a result of floods. Under the legislation currently—that is, under the Corporations Law—councils are protected from litigation by the corporations that they belong to. There is certainly quite a deal of talk in the Mackay region about mismanagement in terms of council's town planning and drainage facilities. One wonders whether there will be court cases in terms of gaining some recompense from the council for some of the serious damage that was done to housing in the Mackay area. Will this legislation, which will obviously pass through this House in a very short time, stand up to litigation against a council, individual councillors, the mayor and the staff? It would be very pleasing if the government could actually prove to those of us on this side of the House that it has crown law advice that this legislation will protect councils.

As has been raised by those on this side of the House, it is interesting that the Brisbane City Council—one of the biggest local government employers in Queensland—is exempt from this legislation. We would have thought that if the government is really concerned about protecting employees, as it professes to be, then it would protect employees in the Brisbane City Council. Why are they so different? Why is the government not protecting the workers in Brisbane? That is the argument that those opposite are propagating in this parliament today. Why is it that WorkChoices will remain in place for QR? That creates the potential to sack around 2,000 employees from QR in the near future. Why have we got this conflict? Why are those opposite so keen to attack local government?

I go back to the great new horizon we are moving towards of amalgamated regional councils. I have to say that some of the things coming out of the regional council in my area are quite amazing. In my area, Sarina and Mirani are joining with Mackay to form a regional council. We have two full-service banks in Sarina—Bendigo Bank and NAB. NAB is the bank for Sarina Shire Council—one of the biggest accounts in the town. There has been advice that those accounts will have to be changed over to Westpac in Mackay. Basically, we are pulling a very major client out of the Sarina NAB. It is struggling to

maintain its presence in Sarina. At the end of the day, I wonder whether the full-service NAB, one of the only major banks left in the Sarina district, will continue to be operational. That is just the tip of the iceberg. It goes on and on. Services will be pulled out of our smaller communities and relocated in the major communities.

We have seen amendments to the Local Government Act pushed through this House. I believe this is another example. This legislation is not well researched. Those opposite really do not know what they are doing. We will be back here within 12 months amending this legislation.

Mrs CUNNINGHAM (Gladstone—Ind) (3.42 pm): I rise to speak to the Local Government and Industrial Relations Amendment Bill. I thank the minister for the briefing we were able to receive this morning in relation to it. The main purpose of the legislation is to amend the Local Government Act to make it clear that workers in local government are now governed by state legislation and are outside WorkChoices.

One would have to be honest and say that the federal election results across Australia demonstrated very strongly the community concern about WorkChoices. This was expressed through the ballot box. In my own federal electorate, which is the new electorate of Flynn, the contest was closer but certainly the ALP candidate was still the one with the majority of the votes. I think it needs to be considered in our deliberations on this piece of legislation that the community expressed concern about the major issue of debate during the federal election which was WorkChoices.

I had a quick conversation with the two councils in my electorate to see whether they had any concerns, particularly in light of the stated concerns of the LGA. I would like to address the LGA concerns. The explanatory notes state—

> The LGAQ has stated it would not oppose the amendments if they are implemented solely as an interim measure to bring local government employees into the Queensland industrial relations system. In addition the LGAQ sought a commitment that the Government would repeal the amendments and reinstate local governments' body corporate status when the Commonwealth *Workplace Relations Act 1996* is amended to exclude local government employees from WorkChoices.

In my discussions with the advisers on this particular issue it was clarified that the Commonwealth legislation may not change until January 2010. Therefore, in terms of this parliament, the minister was unable to give an undertaking because it could be seen to be binding on a future parliament. It would be interesting to know whether the intention of this government is to continue the dialogue with the LGAQ and to address its concerns whoever is the government—in terms of personality and political persuasion—into the future.

The councils in my electorate raised only a small number of issues. Mainly the issues related to a lack of clarity in terms of the consequences of these changes. There was some expression of concern about the thoroughness of the process—that is, whether the bill as it has been drafted actually does cover all of the contingencies faced by local councils and whether councils themselves will be faced with unintended consequences from the implementation of this bill. It is something that rolls fairly quickly off the tongue, but it can have quite significant implications in terms of the operation of local government on a day-to-day basis. The other issue that was raised was that as corporations the Trade Practices Act applied. I would seek the minister's response as to whether the Trade Practices Act will apply to councils once this decorporatisation occurs.

A previous speaker spoke about the cost of amalgamations. To be fair to councils in my district and more particularly to the communities in my district, I would have to echo those concerns. Members of the transitional committee have expressed concern about this. Certainly in the community there is a great deal of concern about the actual cost of rebadging, changing paperwork and aligning policies and local laws et cetera. At this point in time, the one bearing the cost is the community. I think the actual cost of wholesale amalgamations has been grossly underestimated.

The legislation states that no employee will suffer any loss of rights or entitlements. That is important in any negotiation that impacts on people's wages. The Labor Party federally brought in enterprise bargaining and that flowed through to the states. I remember the first lot of enterprise bargaining in the Calliope shire and the fact that there was a lot of concern about things that had become standard payments to employees over a lot of years. For example, there was their servicing time. Theoretically, half an hour before work the drivers would service machines. A lot of them incorporated this into their smoko and still got their work done.

There was concern that that portion of their wage which, because it had been paid for such a long time, had become an expectation would be removed under the enterprise bargaining process. For many workers it was a significant concern. Generally all of us commit ourselves financially pretty close to the limit of our regular income. So people who had relied on those extra service fees and travelling fees et cetera were concerned that they would be placed in a position where they could not service mortgages. Those payments were rolled into the annualised wage. I think it is important that we guard the wages and entitlements of employees and make sure that they are not disadvantaged in any way, because there can be a significant negative flow-on effect on workers' families.

The bill also indicates that local government will not incur greater costs, and that is an important protection, too, because the people who primarily pay the bills for local government are the constituents—the residents who live there—and it is important that they do not face significantly inflated costs.

The bill also deals with quite a number of day-to-day issues, and I want to raise one or two other things. Whether there is seen to be any lack of authority or any uncertainty in changing from a company seal to the signature of the mayor or an authorised person under the hand of the mayor—and I do not say that in any way to derogate from the ability or responsibilities of mayors and councillors—I appreciate that the legislation makes clear that councillors individually do not carry any liability when they are acting in that role. I appreciate that clarification and would ask that, if it is demonstrated in a short period of time that the protection lacks solidness or that there are any gaps in that protection, that would be quickly responded to by the government. People who join local councils, particularly in the past, have done so overwhelmingly because they have an abiding concern for their communities. I think the ethos in local councils could change with the bigger councils, but councillors—past, present and future—should not be personally placed in a position where they could be at risk financially because they are doing their job honestly and in good faith.

The bill is a small piece of legislation in terms of its quantum, but it has significant potential impacts on councils. It is critically important that the minister's department keep a very close eye on the implementation of the legislation in order to pick up at the very earliest stages unintended consequences and to address those consequences so that councils can operate as they have in the past—that is, for the benefit of their communities—and that councillors are able to fulfil their obligations without concern about personal liability. I look forward to the minister's response.

Ms GRACE (Brisbane Central—ALP) (3.51 pm): I rise today in support of the Local Government and Industrial Relations Amendment Bill. As we all know, under WorkChoices employees of trading corporations are covered exclusively by the federal industrial relations system. By using the federal corporations power, which was deemed constitutionally valid by the High Court of Australia, the then Howard government enacted workplace laws which override state industrial relations laws for constitutional corporations. Unfortunately, it is not clear if local governments are covered by the federal industrial relations system because it is not apparent if some or all of them engage in sufficient trading to meet the legal tests that determine what actually constitutes a trading corporation. Clarifying this issue as far as meeting the legal tests often requires costly and lengthy legal proceedings. This is time and expenses we can ill afford, which means it is necessary to quickly clarify the current imbroglio created by a hostile takeover of IR laws by the federal jurisdiction.

It is most welcome that the federal Rudd government has stated that it will amend the federal Industrial Relations Act to allow local government to be covered by the state IR system, but due to a number of reasons this might not occur until 1 January 2010, as previously stated by the member for Gladstone. As part of the consultation around local government reform, the Queensland government gave a commitment to do all that was legally possible to ensure that local government is covered by the state industrial relations system. This will provide certainty for local governments, their employees and the relevant unions about their industrial relations arrangements—industrial arrangements that can be effectively secured and protected by state IR laws for workers working solely in the state of Queensland.

The critical date for local government employees to be covered by the state industrial relations system is 15 March 2008. This is when some local governments merge and it is essential that there is some certainty as to their status with regard to being a trading corporation so that proper industrial arrangements can be finalised quickly to protect both employer and employees. If local government employees are in the state system before the mergers, the law that applies to the transfer of their employment and of their entitlements is much clearer. It will be state laws that apply, thus providing some certainty and avoiding unnecessary anxiety and possible disadvantage amongst the workforce.

The state IR laws include provisions of the Industrial Relations Act and codes of practice and regulations made under the Local Government Act which do three things. Firstly, they preserve an employee's continuity of service when the employee transfers. This means service with the old employer counts as service with the new employer for the purpose of accruing benefits like long service leave and annual leave. Consequently, there is no possibility of loss of accrued benefits. Secondly, they protect all of the employee's accrued entitlements such as sick leave balances and redundancy rights which will transfer with them. Thirdly, they protect the employee's ongoing rights to receive the same wages and other benefits they had with the old employer—commitments which were given by the state government and which we are now delivering. If federal laws were to apply when the mergers take place, there is legal uncertainty about the protections that apply for both employing local governments and for employees' entitlements, and this is a situation that this bill rightly aims to avoid.

I recall that at the time when federal industrial relations laws were being introduced the then Howard government claimed that many federal members of parliament were like Chicken Little running around signalling that the sky was going to fall in because of the new IR laws. Let me just reiterate that we are getting a lot of this from the other side of the House today where we have a lot of Chicken Littles

claiming that the sky is going to fall in on all of the new merged local government associations and councils simply because these laws are enacted. The difficulty for those purporting that argument is obviously trying to sustain it. This bill does nothing of the sort. What it aims to do, like I said, is put in place a situation that rightly entitles workers to protect their long-term rights and conditions. I commend this bill to the House.

Mr MOORHEAD (Waterford—ALP) (3.57 pm): I rise to support this important legislative reform for the local government workforce in Queensland. This bill introduces two important and complementary reforms in the area of local government. First, this bill will protect workers employed by local governments from the uncertainty created by the Howard government's WorkChoices. WorkChoices is a legal minefield for both workers and councils and it put at risk many conditions that were hard won by workers and their unions. This bill will resolve that uncertainty once and for all. Second, this bill will continue the implementation of local government reform in Queensland. With campaigns well underway for local government elections on 15 March 2008, we will soon be seeing new councils planning and building for a stronger future. I am a great supporter of local government. Local government is an integral part of our system of government and is charged with some of the most important decisions in our community. This bill will ensure that local government will have a strong workforce and strong governance to build strong local communities.

Before I turn to the detail of the bill, I want to respond to some of the comments of the member for Clayfield. It should come as no surprise to those in this House that the member for Clayfield comes here today with his union power, union fear campaign. This is true to form of him and his HR Nicholls Society's old mates. What this shows, though, is that the Liberal Party has learnt nothing from the 2007 federal election. Even its post election review by its national office says that the union movement is not what it used to be. People accept that unions have a legitimate role in our community in protecting the working rights of workers and their families.

The Liberal Party's own review after the federal election showed that the union official of the 21st century is more likely to wear a shirt and tie than blue overalls and is more likely to be university educated than not. The union movement is an effective, cooperative and negotiating body that protects the rights of Queensland workers and their families in our state. In 2006 the Howard government implemented its ideological WorkChoices dream. With the stroke of a legislative pen, the coalition took away 100 years of hard fought and won working conditions.

The WorkChoices legislation also extended the reach of the federal industrial relations regime by including all financial or trading corporations. That change dropped local government employees into a legal jungle. Prior to 2006 most local government workers were employed under the cooperative and simple Queensland system. After 2006, the coalition government could not tell local government workers whether or not they had been dragged into the confrontational, complex and dangerous WorkChoices regime.

This bill will put the matter beyond doubt. When Queensland's stronger local government system comes into effect on 15 March 2008, there will be no doubt that workers and their conditions will be protected by the Queensland industrial relations system. The new councils that will commence on 15 March 2008 will no longer be corporations within the reach of WorkChoices. Local governments will continue to have their own independent legal status and will be able to sue or be sued and to own and transfer property. However, they will not be corporations.

To ensure that this change does not impose a liability on councillors, chief executives or employees, the bill provides immunity from proceedings for those who are, in effect, operating in good faith in their duties. This bill does not affect the political or operational independence that is currently held by local government. Employees will have all of their existing entitlements protected. Any existing federal instruments will be converted to state industrial instruments.

The employees of local government do such a wonderful job—whether it is the fitter who fixes the sewerage pump in the middle of the night, the gardener who mows our parks or the librarian who provides us with books. They are dedicated to serving our community. Many council employees are long-term and loyal employees. In many cases, they are working for less than what they could earn in the private sector because of their commitment to serving our local communities.

However, when it comes to repealing WorkChoices, Kevin Rudd and Julia Gillard are taking a cautious and considered approach. The poorly thought through WorkChoices legislation was complex and confused, almost doubling the size of the Workplace Relations Act overnight. Although transitional legislation will deal with the immediate excesses of the WorkChoices regime, federal Labor must ensure that its industrial relations regime can stand the test of time. Businesses, employees and their unions are sick and tired of constant change in industrial regulations.

We will also have to wait and see whether the coalition members in the Senate heard the people's voices at the 2007 election or whether they will revert to their zealot form and continue to support WorkChoices. But with the uncertainty of their constitutional status and the creation of new councils from 15 March, there is an imperative on this parliament to act quickly to give certainty from day one.

I would like to outline briefly to the House just a few of the many oppressive conditions of WorkChoices that this bill will remove from over the head of council employees. The clearest benefit to workers will be the reinstatement of the no-disadvantage test. Local government workers can now be sure that employment conditions cannot fall below the safety net of industrial awards. Conditions such as shift loading, annual leave, leave loading and meal allowances will be protected—and not like the coalition's infamous empty promise of 'protected by law'. Workers and their councils will have access to quick, inexpensive and effective dispute resolution processes. This means that matters can be resolved without lawyers and hearings but rather with conciliation and negotiation. Workers will also be comforted by the fact that they will now be assured of their entitlement to make a claim to the Queensland Industrial Relations Commission if they believe they have been unfairly dismissed. I am sure local government workers across Queensland will look forward to 15 March 2008 and the restoration of their working conditions which is contained in this bill.

The bill also ensures the continuing implementation of the state government's commitment to stronger local councils. The changes that the bill makes to the corporate status of councils will give teeth to the state government's commitment to local government employees of no forced redundancies for three years after the amalgamation process. The bill will also implement the remuneration schedule following the first decision of the independent Local Government Remuneration Tribunal. For the first time, local government councillors will have their pay set by an independent tribunal, just as state and federal politicians do now. Salaries will now be fair to both councillors and ratepayers.

The bill will also ensure that ratepayers' money is spent wisely when paying for expenses that councillors incur in their role. I know that that has been an issue of much public debate. Issues relating to councillors' mobile phone bills and vehicle usage often appear in the two newspapers that serve the Logan City Council area. Local governments will now be required to have an expense reimbursement policy approved by the department of local government. Councils are free to adopt their own policy about the expenses that are paid for councillors and the facilities that are provided to them. Each local government will be different. For example, some large councils might provide office space facilities for councillors to use. For other councils that may be impractical. Instead, it might be that the costs incurred by councillors are reimbursed. It is up to each council to make its own policy so long as the expenses reimbursement policy is consistent with the guidelines issued by the chief executive of the department of local government.

There will now be a new requirement for approval that the expenses reimbursement policy is consistent with the guidelines before it is adopted by councils. This accountability measure will simplify arrangements and reduce the risks when a councillor is asked to repay expenses that have been paid on the basis of a policy that does not comply with the guidelines. So that the councillors can get on with the job as soon as they are elected, the bill provides for a transitional expenses reimbursement policy that will apply to all local governments from 15 March 2008. That will allow councils to pay or reimburse councillors' reasonable expenses until the council develops its own reimbursement policy and has it approved.

This bill is a decisive action to protect local government workers from the excesses of WorkChoices. Councils and their employees can start from day one safe in the knowledge that they are protected by the state industrial relations system. This bill is also another step towards building stronger and better local government in Queensland. Owing to the important role that local government plays in our community, we must ensure that ratepayers' money is spent wisely and in a transparent fashion. This bill is part of this government's reform to ensure that local government can plan for growth and build tomorrow's communities today. I commend the bill to the House.

Mr GRAY (Gaven—ALP) (4.06 pm): I rise to speak in support of the Local Government and Industrial Relations Amendment Bill. The primary purpose of this bill is to ensure local government employers, with the exception of the Brisbane City Council, which is governed under its own act, and their employees are covered by the state industrial relations jurisdiction. This will require an amendment to the Local Government Act 1993 to provide that local governments are not incorporated. As I said, the Brisbane City Council is constituted under separate legislation and will not be affected by this bill, although other local governments will no longer fall under the meaning of 'employer' as listed in section 61 of the Commonwealth Workplace Relations Act 1996. It is important to note that none of the existing rights and liabilities of local government will be affected—nor will the pay rates and other entitlements of local government employees—and nor will these amendments remove their coverage by an industrial instrument.

This government is about protecting the rights of council workers and the families they support. Prior to the discredited Howard government's WorkChoices becoming effective on 26 March 2006, employees of local governments in Queensland and their unions had a choice of which industrial relations system should regulate their wages and working conditions. That choice was removed at the stroke of a pen. The Howard government had always been long on rhetoric about the sovereignty of the individual—and one thinks of Adam Smith and the perfect market and all of the other nonsense that

emanated from that conservative economic point of view—with free choice being at the forefront of its philosophy, but when it came to action and industrial relations coverage, choice failed to exist. As usual, the Howard government was long on rhetoric but short in practice.

Although the federal Rudd Labor government presses on to remove the worst of the Howard government's industrial bullying legislation, given the policy vagaries within the federal conservative opposition and its majority in the Senate until July this government must act to protect Queensland workers now.

It must be remembered that the federal Workplace Relations Act was amended to exclude state laws with respect to the regulation of working families for the employees of certain employers, the most concerned group being employers of constitutional corporations. It did not matter if employees of a constitutional corporation had been covered by a state award or agreement; they would be removed to the federal system without having a say. The most concerning issue for local government is whether they, in fact, meet the definition of a 'constitutional corporation'. The definition relied on the nature of income source, trading activity, grants and other income sources. This in itself can become the subject of contradictory legal opinion and court action. The confusion is such that the federal minister for workplace relations in the Howard government conceded that it was not clear if a local government authority was a constitutional corporation. This government is on record as stating that it would do everything in its power to ensure that council workforces are not considered constitutional corporations and subject to the laws of the former Howard government.

The Queensland government also gave a commitment that employees affected by the reforms to local government boundaries would have their terms and conditions and accrued entitlements protected and transferred to the new local government authority employing them and that there would be no forced redundancies. It is important that the employees of the newly amalgamated council know that their status is clear prior to the election of those new councils on 15 March. Being in the state system before the merger can ensure that, upon transfer, their employment and their entitlements are much clearer: state laws will apply. If the federal laws apply as currently exist when the mergers take place, there will be legal uncertainty about the protections that apply for both employing local governments and for employees' entitlements. Certainty is essential in local government both for the employees of local authorities and for ratepayers and electors.

If I reflect on the current Gold Coast City Council elections, my concern for certainty comes more to the fore. We have a collection of hopefuls lining up for the 15 March poll. Many are decent and honest people. However, we see the desperate bid by Liberals to win any elected position at any level. This has led to the ludicrous situation where Liberals are running against Liberals. In my own area, division 2, we have a 'liberal' Team Liberal running against the Molhoek Team Liberal. I know there is division within the Liberal Party, but this strains the imagination. Thank goodness we have a good independent candidate, John Wayne, who will represent division 2 electors well. Imagine the concern of Gold Coast City Council employees if these philosophically tainted Howard Liberals win control of the council.

This legislation safeguards the wages and working conditions of all local government employees. I commend it to the House.

Mr HORAN (Toowoomba South—NPA) (4.12 pm): The most important thing for anybody who wants to nominate for the committee of any club or association in any of our electorates is to know that it is an incorporated club. That is the very foundation of people wishing to go to a club to do voluntary work, and it is no different to being on a council. People will not put up their name to be on the committee of the footy club, the scouts or the show society unless it is incorporated and they know they are protected from being sued. Otherwise, why would they risk their house, their livelihood, their family or their assets in the pursuit of doing something for society? It is the very foundations of an organisation that are important. The most alarming thing about this piece of legislation is that the very foundations of local government—of each council—have been torn asunder by this legislation. We have candidates for council and candidates for mayor who will now find a completely different set of circumstances and constitution of the council, if they happen to be elected to that particular council, compared with when they nominated.

The shadow minister spoke about the two entities—the individual entity and the corporate entity, or the body corporate. Those are the two entities that are able to do business, to enter into contracts et cetera. In this legislation is an attempt to put together another entity that has never existed before except on one occasion after World War II. That occurred in the midst of a drought and in circumstances very different to the current circumstances. In that situation a group of four people endeavoured to assist farmers in the drought by buying and selling hay and chaff to ensure that those who needed the drought fodder got it. In those particular circumstances that was seen, in a split decision by the High Court, as that particular type of entity. That is what this legislation is based on. It has been untested since then. It is probably ripe for testing because they were vastly different circumstances involving the hay and chaff for drought relief. It was in a postwar era, which is totally different to today's era, and so is probably in line for testing by the legal circumstances that may well arise from this legislation. It is 60 years old. We might say that it is out of date. It is certainly a new and untested circumstance.

This bill will do away with the corporation status that councils have and give them some other entity which has not yet been defined. We are going to see that what will constitute the council is the councillors. So it will be the councillors and the CEO who can be sued. If honourable members look at the activities that councils undertake they will see that there are many activities and decisions that can lead to them being sued. There is always the threat that developers will sue the council because they believed it made an erroneous decision or it took too long or the many other things that occur with development.

But what about the activities that councils are involved in such as the big concerts they put on in parks, the sporting grounds and all the activities that take place there in velodromes and skateboard rinks, the health activities they undertake for families, issues to do with mosquitos and disease, the machinery and equipment they operate or the risks posed by dogs, falling trees or potholes in roads? There is one thing after another; it is all fraught with potential danger. The people who will be in the firing line will be the councillors and the CEO, and linked to the CEO are the directors and the upper level managers. It could perhaps go down to other levels of staff. Certainly the directors and the upper level managers will be affected. The only test that is going to be in place—and it is a very subjective test—is the honesty test. It is a very limited protection. We are going to see the potential for people at all these levels to be sued. They do not have any indemnity.

That leads to the matter of insurance cover such as a director's type of insurance. How on earth would these people be able to obtain such a form of insurance? What insurance company is going to insure them with directors' indemnity or councillors' indemnity—call it what you like—when there are so many loopholes in this untested, old vehicle that has been brought out to try to cobble together some other form of organisation or identity?

I understand that, when it voiced its concerns, the Local Government Association was told, 'We can go back to the corporation thing after we fix up all the matters of WorkChoices and all the union demands and things we want to do for the unions, who are driving this particular piece of legislation.' That only shows in principle how flimsy and how vulnerable this is. There is a lack of certainty if the government wants it to be a vehicle for a little while and hopes that no-one is sued and that no mayors or councillors lose their farm, their home or their assets and then wishes to go back to the surety and certainty of a corporation.

The period between the date of the election and the day councillors are sworn in—after that time the liability will be borne by shoulders other than those of the CEO—will be a very vulnerable time for CEOs. This is so serious that people are documenting every single thing that they do. They will have to do that throughout the interim periods and probably throughout the governance of the council. The legal advice supports this. Every councillor, mayor, CEO, director and upper level manager—and probably everyone else down the chain, in case they are ever linked to an action—will have to document in the finest and tightest detail every single thing that they do so that they will have a defence, because this legislation tears apart the certainty and the security of being in a corporation. As I said, the analogy we all understand is that in our electorates no-one will volunteer for any organisation unless it is an incorporated body, because they will not want to lose their houses.

The test of honesty is subjective. Would any of the ministers in this government be prepared to step out from behind the safety of the Crown and its protection and put themselves in a situation like this? I believe they would not. A number of people involved in local government have been given legal advice to transfer their assets. That is how serious and flawed the legal fraternity sees this legislation. What a situation! We want people to put their hands up to be mayors and councillors, but they will have to consider transferring their assets into other names. I think that shows how ridiculous and badly thought out this whole thing is.

I ask the minister to tell us in his reply to the debate whether he will write to everybody who has nominated for council—every mayoral or council candidate—to advise them that the goalposts have changed since they nominated and there is a new situation in place. Will he advise them that the councils will not be coming together under one corporation and that, indeed, there will be no corporation? Will he advise them that there will be an ill-defined entity, that there is a risk involved for them and that they should seek legal advice as to what they should do with their assets in the event of being sued, because they will be sued? Will he advise them that they do not have proper indemnity and that they will be sued?

Of course, there is also the issue of the statute of limitations, the seven years. A councillor may lose at the next election and two years later receive a letter saying, 'While you were a councillor a tree fell over the fence and hit someone's house. We are suing the council and we are suing you because you were one of the councillors at the time. We are suing the CEO and the director of parks and gardens,' and so on. This legislation is really dynamite in terms of the risks it presents.

No other state is doing this. I understand that two weeks ago a meeting was held, although I am not sure what it was about. I believe it was about either local government or industrial relations. Basically, Queenslanders were told that they are a bunch of fools for doing this. I think ministers are being given very poor advice if they are going down this path.

There has been a federal election. At a footy game you look up at the scoreboard, see the result and walk off. You either won or you lost. You accept wins and you accept defeats. This legislation clearly demonstrates that the Queensland Labor government and the Queensland unions have no confidence in the centralist Kevin Rudd. They know that he will only change about 25 per cent of WorkChoices.

Ms Grace: We've more confidence than in Howard.

Mr HORAN: Members opposite show a lot of confidence by bringing in flimsy legislation such as this, which puts up in the air the very foundations of local government and, indeed, the issue of whether people really want to nominate for councillor or mayor. In one stroke the government may have virtually cut the legs out from under local government and destroyed it.

Members opposite have no confidence in Kevin Rudd's ability to deliver. The federal coalition has accepted defeat and the reasons for it, and therefore it will work with the government to implement the changes. The state Labor members know that the government will have control of the Senate after June, but they do not believe that Kevin Rudd can deliver all the things that he promised. They know that he will fail them and let them down.

It was amazing to hear the speeches by members from Brisbane such as the member for Greenslopes and the member for Brisbane Central. They waxed lyrical about how they are protecting the workers through this legislation, but they could not care less about the biggest council in the state, the Brisbane City Council. If they were honest, fair dinkum and genuine, they would put the Brisbane City Council into this legislation. It shows what a stunt this is when the biggest employing council in Queensland is not even in here. Why? Because they are frightened that they will get thrashed at the election because Councillor Newman is such a popular, pragmatic and practical mayor! The mind boggles to think that they have come up with all these philosophical reasons for the legislation yet it does not include the biggest council in the state. What a joke! If anything proves that this legislation is just a vehicle for Bill Ludwig and his mates to try to increase membership, that is it.

Regardless of that, the real issue is that the government is actually washing away the foundations of local government. This is one of the most dangerous and disastrous pieces of legislation that has come into the House. Surely warning bells would have sounded for the government with the release of the *Alert Digest* by the parliamentary Scrutiny of Legislation Committee, which includes a majority of Labor Party members. One could only describe this report as absolutely scathing. In relation to clause 12 the report states—

The most significant consequence of removing the corporate status of the local governments in Queensland is to abrogate their status as a separate legal entity. Instead, they will be constituted by the councillors elected to each Council.

And that is the danger; they will be the ones who will be sued. The report continues—

So whenever the Act refers to a local government, it is effectively referring to the group of elected councillors who comprise the local government. These councillors are thereby rendered liable for all the activities of their local government. The status of a local government is effectively converted into an unincorporated statutory association whose councillors assume all the rights and liabilities of the local government. It is therefore imperative that the bill provides full legal protection for the councillors. Yet this does not appear to have occurred.

The protection from liability under the proposed section 38A LGA for councillors who constitute the local government, and in the event that there are no councillors, for the chief executive and administrator, is in limited terms:

No matter or thing done honestly by—(a) a local government; or (b) any councillor in constituting the local government;

in the administration of this Act or in the performance or exercise, of any of the local government's functions or powers under an Act subjects any councillor or the local government to any liability in relation to the matter or thing.

That is very limited. I have talked about the honesty test and the subjective test. Members can imagine legal firms licking their lips at this legislation and the opportunities that it creates for litigation. It will rip the confidence and the style out of how people operate. Will people throw themselves fully into making decisions and working hard, or will we simply have councillors who are process driven and who write down everything that they did in every half hour so that they are fully covered in the event of being sued? Will we work towards having councillors who can be leaders with the standard protection that ministers in this House have, that is, the protection the Crown? Previously councillors had the protection of the corporation of the council. Part 14 of the *Alert Digest* states—

This protection does not clearly cover any omissions or failure to act on the part of a local government councillor or a local government. The reference to "matter or thing" is at least ambiguous, if not simply inadequate, to encompass a failure to act. This leaves councillors legally vulnerable to being sued for failures not only on their part but also on the part of their local government which they now constitute.

I have spoken about the issues of insurance, and I think they are very important. One has to wonder whether they will be able to run these councils as business entities. Maybe they will. The real issue will be that of suing.

I think it is immoral that people have been allowed to nominate for council and nominate for mayor without being able to think through the ramifications for them and their family. As I said at the start, no-one will go on a local committee if it is not an incorporated body. Why would you? Why would you go on a committee of a footy club? If something happens—if a goalpost falls on someone and the club gets sued—you would then be liable to be sued. So you would not have anyone willing to be on a committee.

It is the same principle here with the councils only it is far more serious. There are far more opportunities for suing because of the myriad activities that constitute some form of risk—be they sporting, cultural, music, concert, machinery, equipment, health issues, all the activities councils are involved in.

As I say, the immorality of it is that people have put their hands up and nominated under false pretences. The government did not tell people this when they nominated. It did not know. The goalposts shifted after it nominated, put up its corflutes, did its advertising and made a public commitment to doing it. The greatest farce of all is the fact that the Brisbane City Council is not included in this provision. That just makes this an absolute joke and reinforces what we are saying.

This legislation is going to rip the heart and soul out of local government. It is, I believe, immoral and wrong. It is not giving the sort of protection that should be there for good-minded people of all persuasions and from all walks of life who put their hand up to say, 'I want to serve my community. I want to do 100 hours a week and do it to the best of my ability.' They are going to put themselves in a dangerous, vulnerable situation where they could risk everything that they have worked for all of their life.

Mr MESSENGER (Burnett—NPA) (4.32 pm): This government in presenting this legislation before the House is fundamentally changing the legal status of our local governments. As splendidly detailed by our shadow minister and following speakers from the conservative side, it contains considerable legal risk for the employees and councillors of every local government. The government changes are driven not by a desire to improve the conditions of employees of Queensland local governments and elected representatives; the poorly thought out legislative changes are driven by a political ideology. In short, this legislation is designed to appease union leadership. Ironically, it will create more risk and uncertainty for union membership—the rank and file, the workers. For that reason, I will oppose the passage of this bill.

The Local Government and Industrial Relations Amendment Bill 2008 amends two pieces of state legislation—the Local Government Act 1993 and the Industrial Relations Act 1999. The purpose of this legislation is described in the explanatory notes. The notes state that the purpose of the bill is to 'ensure that local government employers, other than the Brisbane City Council'—and we have already had pointed out to us today just how inconsistent it is not including the Brisbane City Council in the provisions of this legislation—'and their employees are covered by the state industrial relations jurisdiction'. As described in the minister's second reading speech, it did not matter if employees of a constitutional corporation had been covered by a state award or agreement. They were dragged into the federal system. In other words, this legislation is designed to make sure that Queensland council workers are not and could not be covered or governed by the previous federal coalition government's WorkChoices.

Because we have had a recent change in federal government and also bipartisan support from the conservative parties for the scrapping of the federal WorkChoices legislation, it is obvious that the prime reason for this legislation, with all the risks associated with this legislation, is superfluous. It is not needed. The minister in his second reading speech was worried that the workers would be dragged into the federal system. We are in the process of getting rid of the flawed WorkChoices legislation. It will no longer exist in the federal system, unless the state government does not trust the Labor Prime Minister, Kevin Rudd, to get rid of it. There is nothing to fear from the federal system, but there is a lot to fear from the proposed state legislation.

In an effort to short-circuit WorkChoices, the state government has created a bill which brings with it many legislative dangers and risks for no gain whatsoever. As mentioned by our shadow minister, there is a significant degree of legal uncertainty about these new council arrangements which potentially expose councillors, CEOs and others to legal liability and at the very least legal uncertainty.

The government, as the shadow minister and others after him quite rightly called for, should table all crown law advice it has received on this matter. That is the challenge today. Let us see it. Bring it into the parliament. Table it so that there is openness, accountability and transparency—something new for state parliament in Queensland in 2008. The bill, and the changes to the corporate status of the councils, is without precedent, as we have heard, in English common law jurisdictions—UK, New Zealand, Canada and Australia. There is no precedent whatsoever. We are at the cutting edge of creating dangerous legislation here in Queensland. It is unworkable and, importantly, unnecessary.

On page 33 of the Local Government and Industrial Relations Amendment Bill 2008, clause 28 details the transitional provisions for the Local Government and Industrial Relations Amendment Act 2008. It is to the transition of a new local government authority in the Burnett and Bundaberg region that I will address my comments and observations. This legislation came about, first of all, because of the forced amalgamations announced by the Beattie-Bligh government. It is worth reminding ourselves of the relevant events which led to this point. There was a process in place. The process was called the Triple S process—Size, Shape and Sustainability. It was a consultative, conciliatory process created by this government and also agreed to by this government and local government. In that process everyone was a winner. It was going to take a little bit longer, but everyone was going to be a winner because there was true conciliation—there was a true method of bringing the community with us.

Then for some unknown reason—I suspect political ideology or some sort of process of trying to create a diversionary tactic, I do not know—this government decided to pick a fight with local government. It ditched its own consultative, conciliatory process of finding better and more efficient ways of delivering the services of local government, of improving local government, and replaced it with a dictatorial, forced amalgamations program which has caused so much unnecessary worry, grief, heartache, uncertainty, cost and inefficiency in communities right across Queensland. I doubt that there would be a single member of this chamber today who would agree that it has not caused unnecessary heartache.

I thank the member for Warrego for highlighting the plight and concerns of the Torres Strait Islander community. It is worth while in this chamber reading out once again the concerns from the Torres Strait Island Regional Council local transition committee. Councillor Gela, chairperson of that body, stated—

We are embarking on one of the biggest amalgamations, and in some ways, more complex than other amalgamations. Not only are we amalgamating sixteen (16) Councils into one; we are taking a giant step from the Community Government to Local Government. Our challenges are the sixteen (16) Councils are separated by water covering an area of 42,000 square kms; financially it will cost in excess of $30,000 a month in travel to hold our Council Meetings. The Torres Strait has experienced 23 years of Community Government. Changing this will take many years, and in the meantime, we will need to be mindful not to disrespect while we educate the change.

We had a process where we could have educated that change. Councillor Gela further stated—

... since day one we knew that there would not be enough funding for the New Regional Council, formed by amalgamating sixteen (16) Councils into one. It has now been identified a $6.9 million shortfall in wages, once the CDEP wages component is removed. It has further been identified a shortfall of $.8 million dollars for conducting the Committee Meetings and General Meetings of the Council; and estimated that there is in excess of an additional $2 million to properly service the Residents of the Regional Council along with providing the appropriate Governance and Accountability sought by the Government.

Most worrying, Councillor Gela further went on to state—

The State Government, particularly the Premier Ms Anna Bligh, will be held responsible for the Government failing the Torres Strait Island People. She had the ability to change an unjust process when she gained office, and she chose not to do so. Still today she has not had the courtesy to respond to an invitation to visit, which was sent in November 2007, to speak on this amalgamation, and has not visited one Community within the new TSIRC, as Premier.

The challenge is there for the Premier and myself. I will be organising a trip as soon as possible to the Torres Strait islands.

The effect of an amalgamation of local councils in my area under this government's forced amalgamation is that four local governments will be made into one supercouncil in the Bundaberg-Burnett region. The Bundaberg Regional Council will increase from the Bundaberg council's 96 square kilometres to 6,451 square kilometres with a population of just over 86,360.

Some communities have been affected differently by the amalgamations. One area of the Burnett which is strongly opposed to the forced amalgamation is the Childers-Isis area. I think it was the member for Toowoomba South who said that it ripped the heart out of the community, certainly within the Isis shire. In the middle of last year the Isis community had its heart ripped out with the announcement of plans to amalgamate the shire with Bundaberg-Burnett and plans to form one supercouncil without taking into consideration the wishes of the local community and taking absolutely no account of real concerns for jobs and service cuts. The Isis shire community is fervently opposed to amalgamation with Bundaberg. For the people of Childers, a forced amalgamation with a Bundaberg supercouncil will mean higher rates, fewer services, less local control of their finances and less democratic representation.

In Isis we have six councillors and one mayor. They will be reduced to qualifying for 0.8 of a representative on a supercouncil. There are real concerns about the ability of a council that size to deliver services to rural communities. A council based in Bundaberg will have a dominant city representation. Isis is just beginning to really prosper now and there are fears that it will be dragged down. They will lose local leadership. Communities are just now starting to realise that compared to Bundaberg they were getting a very generous deal as opposed to the Bundaberg residents. The fear is that that will be taken away from them. For example, the pensioner rebate is $225 in Isis, while in Bundaberg it is $60. Pensioners in Isis are worried that their rebate will go down to only $60. One thing I know is that every dollar counts when you are a pensioner or you are on a limited income—every cent counts.

Services currently enjoyed by the Isis shire including seven-day-a-week street sweeping, twice daily cleaning of public toilets and assistance to community groups will cease. The community is preparing for a whole change of lifestyle with a decrease in services, a lack of local voices and local leadership gone.

I have been speaking to Peter Byrne, the transitional CEO for the new Bundaberg Regional Council. He has given many briefings around the community. After speaking to Peter Byrne and also to the current local leadership, it is my opinion that the cost of the amalgamation has climbed from being estimated at around $700,000—and the state government has given councils around $700,000—to topping $10 million for the Bundaberg supercouncil. It is in that climate that residents and ratepayers are rightly concerned that the first thing that they are going to experience after the amalgamation is a rise in

rates. Most people are expecting a 20 per cent rise in rates and, as I said, a decrease in services and representation. That does not come across as very efficient. It is something that this state government will be held responsible for. When people get their rates notices and they feel the extra burden of having to pay that extra 20 per cent, then this state government and its elected representatives will bear the blame for that rate rise. It will be their responsibility.

The current Isis shire mayor, Bill Trevor, has been outspoken on this issue and I congratulate Bill. He has been an outstanding community leader. It is through his leadership and the leadership of other people on that council—Tony Riccardi and many other councillors—that the council has contributed to the overall wellbeing of the Isis shire. There are many community events such as the cultural day that is held there. It is one of the best cultural events in Queensland. A massive number of people visit the area. Council funds have also been used to establish better facilities at the state-run high school—the hothouse—and the Isis community hall. All have been jointly funded by state and local council. The amount of $50,000 was put towards a hothouse which directly contributes to the academic ability of those students.

While some 44 per cent of local councils throughout Queensland are classified as economically weak, Isis was not one of them. Isis is rated as fair. The Isis mayor, Bill Trevor, stated—

Whilst I have often pointed out over the past few years that there has to be a change in local government to meet new ways of delivering services and engineering better opportunities for communities into the future, no-one in their wildest dreams would've believed that position would have been created where local representatives and local communities would have no say in the process.

The merger will drastically reduce the number of councillor positions across the region and it is likely that many council workers will lose their jobs. Under the legislation those jobs are guaranteed for two years, but many council workers are now starting to look for other positions. Already we have seen a brain drain from the executive. It is pointed out that when the amalgamation of Victorian councils was forced in 1993, 11,000 people lost their jobs. While the $12 million staff support package has been announced to ensure that local government employees who want to keep working for the councils can continue to do so for two years from March 2008, there are concerns that that does not apply to senior management or workers on contracts.

The voices of some Isis shire residents deserve to be heard in this place. I have taken these comments from the *Isis Town and Country*. Warren Martin from Isis states—

As a schoolteacher, I have always told my students that in a democracy we have freedom of speech, the right to have a say in making decisions that will ultimately affect us and our way of life. I believe we elect politicians to represent us at a parliamentary level, and in the face of sweeping change, we should have the right to make our wishes known to them through a referendum.

Your actions of late are undemocratic. The forced amalgamation of local councils is going to have a negative effect on our small rural community, probably to the advantage of some large regional centre which we do not wish to be aligned with.

Each year I bring my class of students to Parliament House to watch democracy in action. How can I convince the students of the virtues of democracy when they will see first hand in their own community how powerless we are and the scant regard that you show for their democratic rights and the well-being of their families?

Debbie Williamson-Gleich from Childers-Isis states—

I chose to live in the rural town of Childers, and I have chosen to live in the Isis Shire which is a thriving small community, and I am appalled that without any consultation with the people who live here that you think that you have the right to walk all over us and MAKE us join with other shires.

If I had wanted to belong to Bundaberg, Burnett, Sharon, Gin Gin or any of the other local shires, I would have gone and lived there.

Take your hands off our shire, if you can prove that we have mismanaged it then dictate your views to our Mayor, but don't try and fix what isn't broken ... I and my neighbours will not take this laying down, we will fight you all the way on this right to the polls if we need to, so watch out for your jobs.

Susan McLinden from Isis stated—

What happened to democracy and our rights to an opinion!

I would like to see our shire stand on its own and move forward on its own as it has done for years.

They do a wonderful job for the ratepayers ... We have different needs and wants to the CITY SHIRES. We will be last on their list. Out of sight out of mind. I am disgusted at this decision or white wash is what I refer to it as.

Jess Hollier from Isis stated—

Premier Beattie,

Why do you want to force amalgamation to shires that are already holding their own, and are financially viable. Isis shire is growing every day which is visible to locals, new people into the town and visitors. You only have to look around at the facilities available like the newly opened Woolworths shopping centre.

I was lucky to attend the local high school and benefit from living in a small country town and being able to personally know your council members through sport activities, school or social ... If we amalgamate we won't be able to walk down the street and say hello to our councillors, voice our concerns or have them support our local community events and functions.

Country towns will die and so will country values as all of the funds will be put into the larger bigger towns.

It goes on and on.

Government members interjected.

Mr MESSENGER: I can hear the members opposite. The arrogance they display in ignoring the voices of the people will surely catch up with them one day. I remind the communities and workers, particularly those in Isis who obviously oppose the forced amalgamation, that at the next state election they will have a choice between the conservative side of politics, which will allow councils to de-amalgamate, and the Labor side of politics, which refuses to listen to them.

The ability of this government to listen to the voices of the people—and, indeed, legal experts—will be demonstrated by the way the members of this government vote today. Do those opposite care that the councillors and council workers will be placing their homes at risk because of their political ideology? As detailed by our shadow minister, the member for Clayfield, the legislation before the House is fundamentally changing the legal status of our local governments for the worse. It contains considerable legal risks for the employees and councillors of every local government. I oppose the bill.

Mrs SCOTT (Woodridge—ALP) (4.52 pm): I am so glad that I belong to a government that is bringing in positive reforms to the state and also that we have a federal government that is going to bring fairness back to our country. Queensland is on the brink of a new era—an era where local government will be far more professional, in some cases, and far more effective in dealing on a regional basis with big business and industry and many other very important things. With any radical new legislation there are often consequences which require urgent action. Such is this legislation before the House today—the Local Government and Industrial Relations Amendment Bill 2008.

Under the heavy yoke of WorkChoices placed upon working people in this nation by the Howard government, local government was dragged into the federal system of industrial relations by virtue of its being constitutional corporations. This bill is to give certainty and thus remedy this situation, which could be open to legal challenge or court action. While the new Rudd government will be altering the whole face of industrial relations in this country to reintroduce fairness, it will take time to consult with the states and key stakeholders, thus making it imperative that we in this state ensure our local government employees are protected.

This government made a firm commitment when reforming local government in this state that there would be no forced redundancies and that all employees would have their entitlements and all terms and conditions protected. However, to make this an ironclad guarantee and to ensure workers' rights are absolutely safe, this bill will ensure that local governments are not corporations. Instead, they will be statutory entities with all their legal powers protected. Councillors can be assured that they can carry out their responsibilities free from threat of legal action, provided they act honestly. Also, all council employees can be assured they are covered by our state unfair dismissal laws and that they may negotiate workplace agreements on a collective basis.

With newly created councils, amalgamated to form a far greater area of responsibility and many more constituents, it has required the investigation of remuneration for councillors and mayors. Importantly, added responsibility and working hours need to be recognised financially. The new Local Government Remuneration Tribunal was established in 2007 under the Local Government Act 1993 and has provided an independent mechanism for setting remuneration levels for councillors and mayors according to the tribunal's categorisation of local governments.

This bill supports implementation of the Local Government Remuneration Tribunal schedule for remuneration and brings to an end the previous regime. Local governments will now be required to authorise the new remuneration schedule before any payments to councillors can be made. Local governments are required to decide by resolution on the remuneration level to be paid, within the remuneration range decided by the tribunal, within two months of gazettal of the tribunal's remuneration schedule. For this year, local governments must pass this resolution as soon as practicable. In 2008 councillors will be entitled to new levels of remuneration following the local government elections in March. However, in the future councillors will be entitled to the remuneration level set by the tribunal from 1 January each year.

Logan City has been a very successful local government area. The council has worked in partnership with our state government on many significant projects. The CEO, Chris Rose, and his departmental managers and workforce are highly skilled and have ensured our city has gained a reputation as a progressive, family-friendly, economically sound, well-serviced city where families can live, work and play.

The transition to the new council area is complicated by the fact that it is not an amalgamation of councils but rather the excising of areas from the Beaudesert shire and the Gold Coast City Council. Thus, those who have been working on the transition have faced very complex transfer issues, probably far more than anyone had anticipated. However, I have great faith in those on the committee and know the future is looking very positive for Logan City. I commend the bill to the House.

Ms LEE LONG (Tablelands—ONP) (4.59 pm): I rise to participate in the debate on the Local Government and Industrial Relations Amendment Bill 2008. This bill is primarily aimed at ensuring local government employers and employees are covered by the state industrial relations laws. Brisbane City Council is treated separately. Specifically, these amendments are taking councils and their staff out from under the scope of the federal WorkChoices system. The method by which this is to be achieved is by

decorporatising local governments. This is because the federal WorkChoices scheme operates primarily through its corporations powers. Once councils are decorporatised they are expected to be immune from this federal scheme. The explanatory notes outline how this should not affect the pay rates and other entitlements of local government employees.

This is a very important aspect of this bill as local government employees, including in my area where four councils have been forced to amalgamate by this state government, are facing a period of great disruption and uncertainty. The primary reason advanced over and over again to justify forced amalgamations was efficiency. I think it would be reasonable for council staff to have concerns over the long-term security of their jobs. Short term they will be fine, but over the long term there must be cause for concern. There is undeserved worry and angst over their employment in the longer term. There were some promises made during the amalgamation process, and these included no job losses as a result of the reforms, no forced relocations for 12 months, no reduction in work conditions and all existing conditions and arrangements to be transferred to the new employer—that is, the new amalgamated council. However, where there are four CEOs, four or more town-planners, four or more engineers and the list goes on, those promises are little long-term comfort to some of those people.

I am particularly concerned about some of the very serious issues raised by the Scrutiny of Legislation Committee. They include the fact that there is still uncertainty over whether section 51(xx) powers of the Commonwealth Constitution could even cover local government in the first place. The confusion continues with the Scrutiny of Legislation Committee also noting that the protections promised by this bill will only stretch 'as far as legally possible' and describing the perceived uncertainty over whether councils are a trading or financial corporation. It is troubling to see such basic issues as these which underpin the entire bill being so vulnerable and fragile—weak foundations indeed.

I turn now to liability issues and in particular paragraphs 11 to 16 of the *Alert Digest*. Other members have detailed them in this debate, so I will paraphrase them as indicated by the Scrutiny of Legislation Committee, which says bluntly that, under these amendments—

... councillors are thereby rendered liable for all the activities of their local government.

It continues—

It is therefore imperative that the bill provides full legal protection for councillors. Yet this does not appear to have occurred.

The *Alert Digest* goes on to list other concerns including lack of clarity, ambiguities and legal vulnerabilities. As harsh as the WorkChoices regime is, this bill begins to look even more dangerous.

I am very strongly opposed to the corporatisation of government services, entities and functions and I do not believe the public gets any better service delivery from corporatised government agencies. That is certainly a major reason why I support the concept of decorporatisation of councils. I am also strongly opposed to the capacity for big business to stamp all over the rights and conditions of average working Australians for the sake of more and more corporate profits. We have seen the impact of corporatisation on Telstra, for example. This former public utility which provided outstanding service and quick maintenance is now focused on massive executive salaries and profits. Service delivery, especially in rural and regional areas, has suffered. Maintenance and other staff—the people who ensure we get the service we pay for—have been slashed by thousands. The reality of corporatised government services is that rates of return and profit margins become more and more important than providing a comprehensive service to all Queenslanders.

We need to keep in mind that the real problem this bill was designed to address was not WorkChoices as such but the federal government's brutal highjacking of traditional state roles and functions due to its mutated view of its corporation powers. Today we have wall to wall Labor, but does this mean that Canberra will give up this abusive approach to the very basis of our Australian federation? I have not heard any commitment from Canberra to rein in this approach, and as we know there is little difference between the last federal government of economic rationalist conservatives and the new economic 'I am an economic conservative too' ALP government. I fear that we are living in a time when the more things change, the more they stay the same.

Mr COPELAND (Cunningham—NPA) (5.03 pm): Local government in Queensland has seen massive and radical change under both the former Beattie government and now the Bligh Labor government, and none of that change has been for the benefit of the operation of local government in Queensland. We have had many debates in this parliament over the past few months regarding the forced amalgamation issue. I am not going to revisit that issue other than to say that in my electorate it has been and remains the biggest issue facing those communities and, I have to say, is hated by those communities that fall within my electorate.

The bill we are debating today also fundamentally changes the way that local government in Queensland will operate—local government other than Brisbane City Council, which I will come to in a moment. Decorporatising local government in Queensland—a unique move anywhere in the English-speaking common law world—will fundamentally change the way that those councils operate and the way in which the councillors and the council offices operate and the legal liability to which they may well

be exposed. The shadow minister, the member for Clayfield, went through in detail the legal background to that issue, so I am not going to do that again. What I will say is that, as the member for Toowoomba South said, this will be a fundamental change in the way that those councillors and offices operate and how in the future councillors will be open to potential legal liability. I am sure that a lot of those people who are candidates have absolutely no idea of what potentially lies ahead of them after the council elections on 15 March. This will change the role of councils and councillors.

The member for Warrego quoted extensively from a letter from Phil Spencer, the interim CEO of the Toowoomba Regional Council, to the minister regarding his concerns about this bill. I have a lot of respect for Phil Spencer. I think he is a very capable person doing a good job in difficult circumstances in the transition of the Toowoomba Regional Council. But the concerns that he raised that the member for Warrego detailed—he also tabled the letter for the information of members—are very real concerns. With regard to the liability that he personally will be particularly exposed to between 15 March and the interim period before the council itself is formed and the councillors then personally create the local government, it is a very real legal exposure that he will be facing and every CEO around Queensland will be facing.

I do not think anyone in government—any minister—would be prepared to take that same risk. We have heard member after member from the Labor Party—from the government—stand up and say, 'Nothing changes. All this does is give certainty to council employees.' But that is not correct. Things will change. The Scrutiny of Legislation Committee has reported extensively on it, and other members have quoted in detail from that report as well so I will not do that again. It has acknowledged that there is a legal liability that these councillors will be exposed to, and I think that is a very dangerous road to go down.

Ostensibly, this is to protect workers from the former federal government's WorkChoices legislation. There are a couple of points to raise in that regard. Firstly, there has been a federal election and the government has changed. There is no arguing that WorkChoices was a major issue and WorkChoices is now going to be repealed with the support of the federal coalition. So that has gone. It is out the window. That legislation will be going, so in my view there is no need to fundamentally change the way that local government in Queensland operates as opposed to any other system of local government anywhere in Australia or in other English-speaking countries simply to address an issue that now no longer needs to be addressed.

The other fundamental flaw in that is that the Brisbane City Council is not included in this. There have been a number of interjections from government members when members of the opposition have spoken that Brisbane City Council is not included in the amalgamations. But that is not the point. The point is that it operates as a corporation. It is established as a corporation under the City of Brisbane Act. So the principle that it will be falling under the federal WorkChoices legislation into the future remains. I think the shadow minister said that it employs a sixth of the local government workforce. That is a significant number of employees who will not be so-called 'protected' by this legislation which is the—

Mr Nicholls: Some 7,000 people.

Mr COPELAND: So it employs 7,000 people. The government does not see the need to extend it to those people who will still remain employed by a corporation and supposedly subject to the WorkChoices legislation, yet the government is still prepared to put into fundamental question the legal standing of councils, councillors and CEOs and potentially other officers of local government right across the state in those other smaller communities. This is bad legislation. It really is bad legislation. We have seen a knee-jerk response to council amalgamations from day one, and that is continuing with this legislation today. I do not think it is necessary. This is a detrimental move to the operations of local government and is something that will have to be revisited.

A number of government members have referred to how vulnerable and how worried local government employees have been by the former federal government's WorkChoices legislation. In my electorate and in the councils that are becoming amalgamated into the Toowoomba Regional Council, council employees are not worried about WorkChoices; they are worried about how they are going to continue to work—if they are going to continue to work in the long term—under the forcibly amalgamated Toowoomba Regional Council. We have already seen, particularly in the senior ranks of those local government officers, people decide not to continue working there because there are jobs available elsewhere. People with very many years of experience have decided that they are not going to stay and try to work in the Toowoomba Regional Council because of the uncertainty that they face. That has nothing to do with WorkChoices; it is simply to do with how the Toowoomba Regional Council will operate after 15 March and whether their jobs will remain as they are, whether their jobs will remain in the towns in which they live, or whether their jobs will remain at all. That is what the council employees in my electorate are worried about. This bill does nothing—nothing—to allay those fears.

The other uncertainty that exists, and which is also outlined in the letter to the minister from Phil Spencer, is whether the interim CEO has any authority whatsoever to employ council officers until the new council is elected and the Toowoomba Regional Council becomes a legal entity on 15 March. From

his letter, it seems that Phil Spencer believes—obviously on the advice that he has been given—that he has no power whatsoever to employ those people and have those employment contracts honoured by the Toowoomba Regional Council. That letter has been tabled for those members who would like to look at it.

If that is not uncertainty created by this whole process, I do not know what is. Phil Spencer has written to the minister to try to get some sort of certainty as to whether he is able to offer those positions to those officers. When a CEO cannot even employ those council officers, that is a debacle. That is uncertainty for those people who are without a job—who are technically not able to be employed because the Toowoomba Regional Council does not come into existence until 15 March.

We have seen a lot of bad legislation introduced into this parliament during this whole local government debate—from legislation forcing the amalgamations through to this legislation that we are debating today. I remain convinced that the local government changes will not be of any benefit to the majority of the communities—if not all of the communities—in my electorate. I am clearly on the record as having said that both here and in the community.

In relation to the Toowoomba Regional Council, there are 36 candidates standing for election. The cost and the size of the task for those people who wish to run as a candidate for election to the council is absolutely enormous. The money that it is costing them and the time that it is costing them has fundamentally changed the way in which councillors will be elected this time around and particularly at subsequent council elections. In the past, election to the council was a much easier job. People put up their hands and if their community recognised that they played a vital role in the local community, they became representatives on the council. That situation now no longer exists. There are 61 booths in the Toowoomba Regional Council. It will be a very big task for those candidates to get themselves known in the area and it will cost a lot of them a lot of money. This situation will preclude a lot of good people in the future from standing for election to the council, because they simply will not have the money to be able to adequately run an election campaign. The Toowoomba Regional Council does not have any divisions; councillors are elected at large, which means that candidates have to cover all 100,000-odd electors in what is a very large and diverse geographical area.

As I have said, I do not think local government is going to be improved by amalgamation. I do not think we are going to see efficiencies. I do not think we are going to see savings. I do not think amalgamation is going to strengthen local government in any significant way. Instead, I think in large part it will be to the detriment of our communities.

This is bad legislation and it should be opposed. It has nothing to do with WorkChoices. After the last federal election, WorkChoices is dead and buried. It was the right of the Australian people to vote that way and the federal coalition is supporting the passage of legislation to abolish WorkChoices through the federal parliament. We do not need this legislation, particularly because of the consequences—those that I think can be foreseen but the many more that I suspect will be unforeseen because of the way in which local government operates. The opposition will be opposing this bill.

Ms van LITSENBURG (Redcliffe—ALP) (5.14 pm): I rise to speak in support of the Local Government and Industrial Relations Amendment Bill 2008. The main purpose of this bill is to amend the Local Government Act 1993 to ensure that local government employees, apart from those employed by the Brisbane City Council, are covered by the state industrial relations jurisdiction. This amendment ensures that all local government employees are covered by state legislation and have access to the same fairness and balance that other employees who work under the state legislation enjoy. It also ensures that any local government employees who are currently working under the federal industrial relations system known as WorkChoices will have the security of knowing that they are covered by fairer Queensland state industrial legislation.

Many people who work under WorkChoices industrial instruments do not have the same wealth of conditions and certainty of employment as those people who work under the state industrial relations system. With the cost of mortgages increasing and housing affordability decreasing over the past 10 years, people are particularly worried about decreases in job certainty, lower incomes and reductions in conditions—all of which are associated with WorkChoices industrial instruments. The people of Queensland—indeed, the whole of Australia—had their say about WorkChoices and they voted loudly and resoundingly against it. The result was a win for federal Labor, under the leadership of Kevin Rudd, at the federal election. Through this bill, the Queensland government follows the wishes of the people and gives them the same certainty and entitlements as those of any employee working under the state industrial relations system.

I know that, with the amalgamation of the Redcliffe City Council with the Pine Rivers Shire Council and the Caboolture Shire Council, there has been a fair amount of concern by local government employees over the future of their jobs. As a result, many are looking for work outside local government. I believe this amendment will give them the assurance that the Bligh government is serious about ensuring that they have security in their employment and that they are treated fairly.

The pay and entitlements of local government employees will not be affected by these amendments. Their awards or EBAs will also not be affected. In fact, employees who were covered by the Commonwealth industrial instrument will find that this bill converts their current industrial instrument to a state award. That means that no local government employee will lose salary, accrued long service leave, or holidays. They will not be dismissed if the job they are doing on the site they are based at currently changes.

This bill will provide certainty for a large number of employees of local government in my electorate. That means peace of mind for a large number of families in my electorate who have mortgages, electricity and phone bills to pay and children to feed, clothe and educate. Yes, this is a time of uncertainty for many council employees, but if they know that they can pay their bills and if they know that they have some certainty of employment through the changes, it will help them and their families to maintain some continuity through these changes. This financial certainty for local government employees and their families will ensure that they continue to support local business, thereby keeping the local economy afloat. At this time of change with amalgamations, community stability is an advantage for the entire community.

I would like to thank the minister for this far-sighted legislation, which will enable local government employees and their families in my electorate—and no doubt in many other small communities across Queensland—to have certainty of employment conditions through the period of council amalgamations. I commend this bill to the House.

Dr FLEGG (Moggill—Lib) (5.19 pm): As the previous speakers on this side have said, this is bad legislation. Talk about phoney excuses to bring in oppressive legislation, to bring in something as widespread and as sweeping as this on the pretext that it is something to do with WorkChoices, which is already on the way out by bipartisan agreement! It is probably the phoniest excuse for a lousy piece of legislation that I have heard since I have been in this place. This is not just bad legislation; this legislation stinks. It is so bad that not even the Labor dominated Scrutiny of Legislation Committee could swallow what was being served up to them in this appalling piece of legislation.

To move that Queensland's councils lose their corporate identity and become simply an association of individual councillors is a travesty. No small community group would operate on this basis. I remember going through the process with a small community group in my own electorate. It took 18 months to have it incorporated and to have its insurances in place before anybody would serve on the executive. To couple this with the fact that local government has been expected to cope with massive amalgamations, enormous intrusions into the provision of water services, enormous intrusions into its responsibility such as asbestos safety and the fact that now we are removing the protection and the legal status that goes with its being incorporated is an embarrassment to this state.

The government is struggling to find anything that it can claim as a precedent. This has simply been done for the government's own political agenda. There is nothing in this for the people of Queensland. There is nothing in this for the workers in local government. There is only the political agenda of the government.

In common with the member for Tablelands, I will not quote what is in the Scrutiny of Legislation Committee's *Alert Digest*, but I would encourage members to read it. The government talks about indemnity and protection for councillors. It also talks about indemnity and protection for doctors, but have a look at how that worked. There is a very famous case in Caloundra where the indemnity for Queensland Health doctors simply was not supported by the government. That put a doctor through enormous trauma and damaged the reputation of Queensland Health as a place for doctors to work.

The protection from legal liability for people such as councillors is fundamental. It is a fundamental and essential characteristic of the work that they do. Let us say for argument's sake—and the Labor dominated Scrutiny of Legislation Committee did not believe that it was offering an unconditional indemnity—that the government was offering an indemnity that was without limit, without flaw and without legal loophole. It still means that when litigation occurs councillors will be individually sued, even if it is not the result of their own personal activity. There is no corporate body to serve legal notice on. It will be served individually on councillors. Councillors' individual assets and family homes are potentially under threat, as we have seen repeatedly in community organisations.

The basis of local government is that local communities ought to be able to elect local people to have a say in the way that their community is run. This government has waged war on that principle. It has undermined every principle of local communities being able to get representation through the way they elect their local representatives. This is just one further example.

If this bill that we are debating today were applying to this state parliament, it would be a different story. The members of this state parliament are not about to have the protections that they enjoy as members of this place stripped away so that every time a government agency does something that results in litigation they personally appear on that litigation. Yet that is exactly what it is asking elected councillors to do.

As previous speakers on this side have said, councils have just been through an enormously difficult rearrangement. In some cases we now have councils in Queensland that, if they were territories of Australia rather than councils, would be big enough to apply for statehood. Moreton Bay Regional Council, Gold Coast City Council and Brisbane City Council cover populations the size of a territory, or a state in some cases. Along with that, the government expects locally elected representatives, locally elected mayors and, in cases like Toowoomba, even locally elected councillors to have the resources behind them to campaign to 100,000, 200,000 or 300,000 people. On top of that, these people, who—much like state MPs, I trust—believe they are doing community service and putting something back into their communities, have their legal protections stripped away.

This is an extraordinary piece of very bad legislation. The question that overhangs this whole debate is: why? The WorkChoices excuse is the phoniest, lamest excuse that I have heard. Clearly, there is some sort of union payback; there is some sort of ideological opposition to communities being adequately represented by their local councillors. However, in order for the government to enact something as unprecedented, as flawed and as damaging as this, there has to be a reason that it is not telling us. The Scrutiny of Legislation Committee and others have asked: if it is so necessary to protect the rights of workers, why is the Brisbane City Council not included in the legislation? This is clearly legislation that has another secret agenda. The government and previous speakers I have heard have been completely unable to give any justification as to why we are wasting our time in this place debating rubbish legislation under the excuse that it is something to do with WorkChoices, which is about to cease to exist.

I heard the member for Redcliffe rise and protest in passionate terms about the welfare of workers in local government. She was not there when they amalgamated her council. She was not worried about the welfare of the people who worked for Redcliffe council when the amalgamation process was going on. So why is she so worried now about WorkChoices, which is on its way out? They cannot even explain why they are subjecting local government to this.

One thing I can say for sure is that every person who is putting themselves and their families on the line at the upcoming council election will have to re-examine whether they are willing to put themselves and their families through this trauma. Frequently, these are not people with huge personal resources. The demands on them in serving their local communities can be very large. It is very easy for this government, as it has done, to try to slander local government and councillors, to try to make out that they rip people off for water or indulge in some other activity and to play to the suspicions that the community often has about elected politicians. However, the reality is that the majority of local government councillors and mayors are seeking to do the right thing by their community.

In fact, as is obvious from the debates in this place over the past 12 months, they have worked harder to do the right thing by their communities than the state government has. It is absolutely extraordinary that the government seeks to strip away the basic protection that little community groups, such as those that run show societies or the local CWA, or any other sort of community group, would not meet without. That protection is being stripped away from local governments including the Moreton regional and Gold Coast councils. Those are massive enterprises, and no mayor or councillor could be expected to be across everything that happens in those areas and everything that could give rise to legal disputes.

With this legislation, the proof of the pudding will be in the eating. If this applied to members of this House and members opposite were to be sued every time the state government did something wrong—and it has done plenty wrong, particularly in the last few years—if their family homes were threatened and their names were to appear on subpoenas and legal actions, if the members opposite personally could be sued over the Bundaberg hospital fiasco, this would be a different story. This would be a very short debate. This would be out the door. It is an absolutely hypocritical approach, because what is being applied to councillors would in no way be acceptable to one person sitting opposite. In addition, they do not even have a good excuse for introducing it.

When my side of politics discussed this legislation, I could not believe what I was seeing. WorkChoices is dead. It is done and dusted. That happened through agreement at the federal level. Therefore, to be introducing this long-running, multiyear legislation is an extraordinary political act that has been done at the behest of unions and factions within the ALP. It can only result in weaker local representation. It will mean that people who could give great service to their local communities will reconsider and, without doubt in some cases, decide it simply is not worth it.

I know that those opposite would love it if businesspeople never ran for anything. They would love it if everything were like the transitional committees—that is, stacked full of union members. They would love it if professional and businesspeople of various sorts were never involved in public life at all. However, the reality is that many communities are very well served by people with that sort of background and experience. It strikes me that attacking those communities in this way is a bitterly cynical political exercise aimed at reducing the representation that people get from their local councils. If people will not join a small community group that is not incorporated, how does the government expect to attract high-quality people to nominate for council in huge local shires without offering them at least that same level of protection?

Ms JONES (Ashgrove—ALP) (5.33 pm): Much has been said about the intentions of this bill and—surprise, surprise—the member for Clayfield's contribution was like an old broken record. The member pulled out the same old lines he always does about union bashing and union power brokering. He always talks about power and grabbing power, which is kind of ironic coming from the mouth of someone who would not be in public office if it were not for Santo Santoro. I agree with the member for Waterford: surely the member for Clayfield and the member for Moggill understood the federal election result, particularly here in Queensland? Overwhelmingly, Queenslanders showed that they believe workers are entitled to fair working conditions and understand that unions have a valuable and legitimate role to play in our communities.

Mr Seeney: What role is that?

Ms JONES: It is standing up for workers' rights, which will be news to you. You should get back to your seat if you want to interject.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Ashgrove! The member for Callide will return to his seat if he wants to interject.

Ms JONES: I am glad that the opposition has indicated that it plans to divide on the bill, because I want it on the record that I voted for and supported legislation that protects employees' working conditions and their terms of employment. The member for Clayfield tried to build an argument that enacting legislation that provides protection for council workers is somehow an attack on councils. Like any organisation, a council is only as good as its workers. Without these legislative changes, council workers would be employed under significantly worse working conditions than their state Public Service counterparts.

The opposition seems to think that the best way to support councils in Queensland is to give their workers fewer entitlements. I was particularly surprised to hear regional members talk in this way, because in regional communities it is a very common practice for people to transfer their employment between council and state government agencies. The question I would like to raise is this: why would anyone work for a local council under much worse conditions than under a state government agency? If we do not act now, there will be a drain on the talent of people wanting to work for councils.

By failing to support the legislation, the opposition is really pushing for a two-tiered system in the communities—that is, the haves and the have-nots. That is their modus operandi when it comes to workplace relations. This bill is about protecting council workers' rights and, in particular, their existing pay and entitlements without imposing any additional costs on local government employers. The bill converts the existing federal awards and agreements into state awards and agreements. It also restores to awards what WorkChoices took away and what those opposite wanted to take away from workers, which are the terms set by the independent umpire that were subsequently declared non-allowable matters or prohibited when WorkChoices commenced.

This bill provides the best possible legal protection for local government workers, and for this reason I support it. I also highlight one of the questions that the member for Moggill raised, which was why are we doing this now. I am sure that the minister will elaborate further on this point in his reply. As we all know, WorkChoices was so badly drafted that local councils may actually have liabilities worth tens of millions of dollars. The LGAQ has told the government this. This does not come from us but from the Local Government Association of Queensland, which members opposite have been quoting from all day. Under WorkChoices, Queensland councils may have to pay all workers any leave entitlements, even if the new amalgamated council was to recognise the leave. There was a potential for double dipping because the drafting of WorkChoices was so bad. The last thing we want to do is cripple councils with that burden of cost. We want to protect their workers and we want to ensure that regional councils have the most talented workers. Therefore, we are protecting their working conditions so that they have fair workplaces, particularly in our regional communities. I support the bill.

Mr KNUTH (Charters Towers—NPA) (5.37 pm): In rising to speak to the Local Government and Industrial Relations Amendment Bill, I must say that I am baffled as to why this bill needs to be introduced as the federal government, with the support of a humbled federal coalition, has introduced legislation into the federal parliament to abolish WorkChoices. In its legislation this government has left out employees of Queensland's largest council, a Liberal council which employs 7,000 workers. They are not covered in this bill. It is interesting to look at why the government has chosen to exclude the Brisbane City Council.

This problem began on 17 April 2007 when the Beattie government, with its massive majority, rammed through parliament legislation that forced local councils across the state to amalgamate. That decision was one of the greatest attacks ever in the history of Queensland on a democratic tier of government, rural communities and the workforce. Local councils have been the engine that drives Queensland communities, providing infrastructure, jobs and administration, and local decisions are made through grassroots knowledge. While this government has failed to deliver basic services resulting in health, energy and other crises, it is unbelievable that it has the gall to force amalgamation on councils that have the proven capability to deliver both efficiently and financially. The state government has tried to create a distraction from its own incompetence.

Federal legislation is about to be passed revoking WorkChoices, so there is no need to waste time on this legislation, which is being pushed and rushed through like the previous local government legislation was on 17 April last year. This legislation also changes the status of councils from being constituted as corporations to being some invisible, unknown body that not even the government knows what it is called, and that is bad medicine. This government has created the perception that it is introducing these laws to protect the workforce from WorkChoices. However, the rail unions are saying that this government is using WorkChoices to reduce the workforce that will result in possible unsafe work practices. I table the front page of the *Northern Miner*.

Tabled paper: Copy of a newspaper article from The Northern Miner titled 'Toe cutter targets jobs'.

An article from that paper states—

Railway jobs in Charters Towers and the mid-west are under the greatest threat in more than a decade.

The Rail, Tram and Bus Union (RTBU) has discovered a plan to slash hundreds of jobs by reducing rail services throughout western regional Queensland.

RTBU northern district organiser ... said the union believes the plan has been developed by senior Queensland Rail (QR) officials, with the backing of the Transport Minister ...

Two senior rail union officials, who were briefed on the proposal that has been called Project Rebus, were told it has the potential to eliminate 800 to 12000 jobs statewide.

The RTBU said—

... rail staff and the community representatives have been alarmed at the possible reduction in rail services—

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Charters Towers, I am trying to understand the relevance of your speech. I would like you to come back to the terms of the bill.

Mr KNUTH: The relevance to the bill is right here. It says it right here in this article, and this is a very important message that I am trying to get across. The *North Queensland Register*, which I will table, states—

QR management has informed the union that they intend to introduce driver-only operation, with self-driver relief provisions over the Hughenden to Cloncurry corridor.

The RTBU has successfully argued against this proposed practice in the past but union officials fear the government will use the new style of QR management with the support of Workchoices legislation to have all changes implemented.

Tabled paper: Copy of a newspaper article titled 'End of the line feared for NW rail'.

We thank God that WorkChoices is going to be thrown out, because the state government may use WorkChoices to target Queensland Rail employees. I ask the minister for transport to acknowledge this. It is a very serious issue—up to 1,200 jobs are targeted at present. I ask the minister to recognise the 'toecutter' who has been there to implement this program—

Mr MICKEL: Mr Deputy Speaker, I rise to a point of order. What is the relevance of this to the local government legislation? This is a personal attack on the CEO of Queensland Rail. It defies logic to me that this has anything to do with local government.

Mr DEPUTY SPEAKER: Order! There is no point of order, Minister. But I would ask the member to come back to the bill at hand.

Mr KNUTH: Okay, but we must acknowledge this because this is about protecting council workers. The rail union believes that the state government and Queensland Rail are going to use WorkChoices to eliminate up to 1,200 jobs. It is very important to bring this to the attention of the House. It is important that this House knows that.

Mr DEPUTY SPEAKER: Order! Member for Charters Towers, I ask you again to come back to the bill and discussion here right now.

Mr KNUTH: I will, Mr Deputy Speaker. This legislation is about control. This government's socialist centralist idealism believes in control over all departments and Queensland. However, in the past local government had autonomy to make local decisions. Local governments would often bypass the state government for assistance from the feds. This state government could not handle the fact that local councils had the autonomy, so since April last year we have seen disastrous legislation introduced to destroy local councils and communities. That is why this government got rid of the hospital boards that functioned well. I will not go into that.

How can local councils be strengthened when the area to be governed—for example, the Belyando Shire Council—expands from 30,000 square kilometres to 60,000 square kilometres, when the distance to be governed expands from 160 kilometres to 360 kilometres and when the number of local representatives reduces from 31 democratically elected representatives to just nine? There is no doubt that these forced local council amalgamations will see the state government dictate whatever happens in local communities, which will create another crisis for the people of Queensland to deal with.

This legislation is rushed legislation and there is no need to put it through. The federal legislation is about to be passed revoking WorkChoices—as Kevin07 has promised, and I am sure you believe in Kevin, don't you?—so there is no need to waste time on this legislation.

Mr Mickel: You just told us WorkChoices was going to affect QR. Make up your mind.

Mr KNUTH: This is very important. As well, this legislation also changes the status of councils from being constituted as corporations to being some invisible unknown body that not even the government knows what it is called. Even the Scrutiny of Legislation Committee raised concerns in the current *Alert Digest*. Paragraphs 11 and 12 state—

11. There is some ambiguity in relation to the legal liability of local government councillors, and the effect of the bill on the rights and liabilities of those engaged in legal relations with local governments.

12. The most significant consequence of removing the corporate status of the local governments in Queensland is to abrogate their status as a separate legal entity. Instead, they will be constituted by the councillors elected to each Council. So whenever the Act refers to a local government, it effectively refers to the group of elected councillors who comprise the local government. These councillors are thereby rendered liable for all the activities of their local government.

I believe that this is serious and dangerous legislation. The paragraph continues—

The status of a local government is effectively converted into an unincorporated statutory association whose councillors assume all the rights and liabilities of the local government. It is therefore imperative that the bill provides full legal protection for the councillors.

Yet it says here that this bill does not appear to have that. In other words, there is a lot of concern about the liability for councillors, CEOs and senior officers; maintaining councils' significant autonomy and independence in respect of day-to-day actions without involvement of the state; and perceptions of councils as statutory authorities subject to significant government directions and control. As I said before, WorkChoices is already in the process of being thrown out in the federal parliament, so this bill did not have to be introduced. I wanted to bring this to the attention of the House.

Debate, on motion of Mr Knuth, adjourned.

MOTION

Citizen's Right of Reply

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (5.46 pm), by leave, without notice: I move—

(1) That this House notes Report No. 85 of the Members' Ethics and Parliamentary Privileges Committee and the recommendation of the committee that a reply by a citizen be published by the Legislative Assembly under the citizen's right of reply resolution.

(2) That the House adopt the committee's recommendation.

Question put—That the motion be agreed to.

Motion agreed to.

Response by the Queensland Community Housing Coalition and Mr Walter Ogle to statements made by the Minister for Public Works, Housing and Information and Communication Technology on 10 July 2007[1]

At the Estimates Committee hearing on 10th July 2007, the Minister for Public Works, Housing and Information and Communication Technology stated that Queensland Community Housing Coalition (QCHC) had 'embraced' his peaks reform and that Mr Ogle, who is QCHC's Government Liaison Advisor, also had 'embraced' his reforms.

The Minister's statement regarding QCHC and Mr Walter Ogle has caused concern, confusion and discontent amongst the community-housing sector.

QCHC and its members have never supported the Government's intention to de-fund our organisation. We have made numerous public statements to that effect as well as providing a number of submissions and correspondence to Government that confirm our position. Many of these submissions and statements were certainly widely available prior to the Minister's comments on the 10th July 2007.

QCHC continues to enjoy widespread community support and remains the legitimate voice representing community-housing providers in Queensland. Our members and the communities that they serve deserve to have their voices heard through the peak organisation of their choice.

QCHC's position is very clear and consistent. We do not support the Government's decision to de-fund our role as a peak, however, the organisation would welcome a respectful and co-operative arrangement with the State Government where we work together in the interests of meeting social and affordable housing needs of Queensland.

[1] Statement agreed to by Mr Mike Myers and Mr Walter Ogle of the Queensland Community Housing Coalition and the Members' Ethics and Parliamentary Privileges Committee in accordance with the Standing Rules and Orders of the Legislative Assembly: Effective from 31 August 2004.

MINISTERIAL STATEMENT

Queensland Community Housing Coalition

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (5.47 pm), by leave: The response to statements made by me at the estimates hearing on 10 July 2007 by the Queensland Community Housing Coalition is noted. I utterly reject every assertion made in the response. The statement I made at estimates was a correct version of what transpired at that meeting of housing peaks on 26 June 2007. Evidence from eyewitnesses and contemporaneous notes taken at the meeting to which this matter refers proves the response by the QCHC to be untrue.

Mr Ogle stated at that meeting that my decision was consistent with the Community Housing Coalition's previous statement. Mr Myers, although present at the meeting, made no contribution whatsoever. It is a matter of fact that subsequently the Queensland Community Housing Coalition changed its position from that stated at the meeting of 26 June 2007. The Queensland Community Housing Coalition is urged to develop a respectful and cooperative arrangement with the funded peak Shelter so that the government receives timely and appropriate advice.

LOCAL GOVERNMENT AND INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Resumed from p. 367, on motion of Mr Mickel—

That the bill be now read a second time.

Mr HOOLIHAN (Keppel—ALP) (5.49 pm): This is the fourth sitting day for 2008 and I am really concerned that the members opposite live in such a grey, shadowy world where everything that happens is some sort of conspiracy. I noted that that was the major thrust of the speech of the member for Clayfield.

The Local Government and Industrial Relations Amendment Bill is another example of legislation which was originally necessary to protect workers from the political excesses of the Howard government, and we all know what they were. Thankfully, the Howard government has been replaced by a caring Rudd government. The Rudd government has flagged its intention to remove the WorkChoices legislation from the statute books and that action is proceeding. But there are still effective AWAs and the necessity to remove local authorities from any effects of those agreements still remains. That will be achieved by this legislation.

We have been asked by every speaker, 'Why not Brisbane City Council?' I am a little bit concerned that every speaker on the opposition side seems never to have heard of the City of Brisbane Act. The Brisbane City Council has its own legislation. This bill imports the Commonwealth workplace agreements into state legislation and gives the oversight of those agreements to the state industrial system. The speech by the member for Clayfield, showing his hatred of unions, could have been written by Santo Santoro. Why do the Liberal Party hate unions so much? I am surprised that the National Party has any truck with the attitudes of the Liberal Party.

It might surprise many members of this House to learn that during the reign of that arch anti Labor foe, Joh Bjelke-Petersen, one major condition for employment in the state Public Service was membership of a union or an exemption from membership but one still had to pay the relevant fee. He wanted to speak to an appointed representative of workers and not independent workers. I think at one stage there was a comment that related to journalists and workers alike about a gaggle of crows. Workers employed by some local governments were being bludgeoned by those councils into moving to the harsh and unfair WorkChoices which not only took away almost all rights but would ultimately also reduce incomes. They were denied the assistance of their chosen union representative. The industrial relations aspects of these amendments will ensure that Queensland workers will once again have the protection of a well-constituted and effective industrial tribunal.

Whether today's employers and employees recognise it—and I know there are many people who say that their employer will look after them—the wages and conditions of today were gained by the blood, sweat and tears of unionists over many, many years. Strangely, the Howard government could not find any relevant part of section 51 of the Constitution to support its intrusive and oppressive regimen so it sought to use the corporations power. The power given for conciliation and arbitration did not support it in any way. If anyone wants to have a look at section 51 of the Constitution they should Google it. As we heard earlier today, you can find anything on Google. Because of the actions of

Howard and the wording of the Australian Constitution, and particularly the wording of 51(XX), which reads—

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth.

It is also still necessary to remove any suggestion that local governments are constitutional corporations as set out in that part of the Constitution. Some of the uncertainty is caused by the councils themselves because they have formed trading operations within their own councils. But I believe that each council was a statutory corporation and not a constitutional corporation. This bill will hopefully once and for all end any suggestion that local or regional council workers are able to be controlled under the corporations power of the Constitution. It does that by the inclusion of a new section 34(3) which provides that a local government is not a corporation, and a new section 49(4) makes the same provision for joint local governments. Those bodies will still operate under the legal rules which operate for a composite body but will operate under their own statute.

The provisions of this act have been criticised by many of the speakers by referring to many jurisdictions both inside and outside Australia, but our local councils operate under Queensland law. It is a law enacted by this parliament. If a person lives in Queensland they live under those statutes for everything else, so why not the statute that affects the local council?

The repetitive rubbish espoused by members of the opposition clearly shows that they have not read the bill correctly. I commend to them a reading of clause 12 of the bill and they will see the relevant sections on indemnity and protection staring them in the face. On that, I indicate that I have a brother who will be running for council. I know that he is protected by the terms of this bill.

Mr Johnson: He will be a good councillor.

Mr HOOLIHAN: I take the interjection from the member for Gregory. He will be a good councillor.

Consequential amendments also give the power to the relevant mayor or CEO to act on behalf of the body and represent the whole body. It is quite clear from the bill that what has been espoused will not happen. I am also pleased to see some amendments to section 236A and B which deal with remuneration provisions for councillors. It is to be hoped, and I would recommend to the minister for local government, that reimbursement of expenses be even more closely scrutinised and that the excesses of some local councils are not continued in amalgamated councils. A good example is one of the outgoing councils in my area. A credit card is issued to the mayor who receives reimbursement but without statements and supporting documents. Councillors even experience difficulties in getting details of the use of the card.

Despite everything that has been said, the bill will protect workers' rights. It will ensure that councils are not controlled under the Constitution—which incidentally does not recognise local government—and it will ensure protection for councils and councillors from legal action against them. It also deals with aspects of accountability of councils. I know there are certain other amendments to be moved, but I do not wish to anticipate discussion of that in this speech. I commend the minister for the introduction of the bill. I commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (5.56 pm): It gives me a great deal of pleasure to rise to speak to the Local Government and Industrial Relations Amendment Bill 2008. A number of previous speakers have spoken about their respective communities' views on the amalgamation of councils and I also would like to use this opportunity to reiterate my constituents' opposition to the amalgamation of councils. But the reality is that come 15 March there will be a whole new council system in Queensland. I simply reiterate the position of my constituents on that very contentious issue.

Coming to the bill and the substance of the debate that we are involved with, as I listen to the contributions from various members of the government and opposition, it amazes me that we are talking about the same bill. I realise that the Scrutiny of Legislation Committee has asked for further information from the minister and I will certainly be listening with a great deal of interest to his reply. Hopefully the minister will be able to address those questions that the Scrutiny of Legislation Committee did raise. I simply say that I am not convinced that the demons that some speakers believe are contained within this bill are there. If it comes to pass that there may be some failings in the legislation and local councillors may be in the firing line and at risk of being sued, we certainly have seen in the past where legislation is rushed through the House to ensure that such eventualities do not occur. I need to say that I am not convinced that there is the level of demons contained in this bill that some previous speakers have indicated. I do believe that the bill is intended to assist in protecting the rights of elected councillors, mayors and staff and to give them more certainty and protection for the future.

As I said at the outset, it amazes me that we are talking about the same bill when we reflect on the differing opinions on the effects of this bill when it becomes law in Queensland. At this stage I do intend to support the bill, but I will be listening with a great deal of interest to the minister's reply and I hope that he can answer the questions that the Scrutiny of Legislation Committee raised in its digest that a number of other members have already flagged.

Mr FINN (Yeerongpilly—ALP) (5.58 pm): I rise in support of this legislation, which provides amendments to deliver certainty regarding industrial coverage of workers in local government. Speakers on both sides of this debate have acknowledged that the introduction of this bill comes as a result of the previous federal government's ideologically driven WorkChoices legislation, the legislation that ultimately brought it down.

That the Howard government was struck down by WorkChoices is indicative of what happens when a government is driven by ideological blood lust. It is indicative of what happens when legislation is enacted that hurts ordinary people, strips away working conditions, throws the fair go out the back door and abolishes certainty and consistency that is essential to ongoing, harmonious workplace relations.

This Labor government legislation we debate today is, in stark contrast, about providing important protections to councils and the workers employed by local government. Councils receive certainty of their legal position by clearly defining that they are not trading corporations for the purposes of the WorkChoices legislation and employees are provided with the certainty of the protection of workplace terms and conditions under the state industrial system.

It is important in this debate to also assure Queenslanders that this bill will not impact on the services and day-to-day operations of local councils. The legislation will not affect the core service activities, including garbage collection, building and construction works, libraries, community services and the range of other important activities that local councils provide in our community.

The bill will ensure that these services continue and, in cases where services were provided by smaller councils, the new larger councils will continue this service provision. As that day looms when new councils will come into place, service delivery will continue in accordance with the service delivery plans prepared by local transition committees. These committees should be commended for the work that they have done to ensure this continuance immediately following the local government elections in March.

The only change to council services under this legislation is that services will be delivered by staff whose industrial arrangements are regulated under the Queensland Industrial Relations Act. There are no changes to the powers and functions of local governments under this bill. Local governments are still able to sign contracts, own and transfer property, borrow funds, levy rates, issue infringement notices and undertake any of the other important activities of local government. It will be business as usual, but with staff protected under the Queensland industrial relations system.

It saddens but does not surprise me that the opposition comes in here and opposes this legislation today. Those opposite oppose it because they are fundamentally out of touch. Which bit of the last federal election result do they not understand? Perhaps they missed the fact that the former Prime Minister, the architect and principal proponent of WorkChoices, even lost his own seat.

Those opposite seem to have missed all of this and focused on questioning the necessity of the legislation. But this paper-thin argument based on necessity hides the evil within. Let there be no mistake: those opposite reject this bill because they support the continuance of WorkChoices. They oppose the bill because they cannot accept that the working families of Australia so comprehensively rejected them last November.

Many opposition speakers have articulated the necessity argument in a simple way by acknowledging that Labor won the federal election and the Rudd government will change the Howard industrial regime. Too right it will. But I say to the members of the opposition who might have signed up to the simplistic argument in the party room: don't be misled. Dismantling the comprehensive evil of the Liberal workplace regime will take some time and, importantly, this legislation gives this set of workers certainty now.

The fact is that the legislation is necessary because of the Liberal regime. When the Liberal and National parties vote against this legislation tonight, they prove the necessity for the bill. When they vote against the legislation, they support stripping away workers' rights and conditions. They support the power for people to be unfairly dismissed. They oppose independently regulated fairness in the workplace and they refuse to accept that their federal colleagues got it wrong. I say: go your hardest so that all the people in all the regions of Queensland know that it is the Liberal and National parties who want working families to keep on struggling under the uncertainty that is the nasty and unfair workplace regime of the Howard Liberals.

Mr SEENEY (Callide—NPA) (6.03 pm): I have been compelled to rise and make a contribution to the debate on the Local Government and Industrial Relations Amendment Bill because I have sat here and listened to the philosophical warriors on the other side rattle on for the last couple of hours about WorkChoices and a whole range of things that I think are only one side of the issue that those in this House should be reminded of when they consider the legislation involving the so-called government's local government reform agenda.

This legislation is one more piece in a strategy that has been put in place to attack the very concept of local government in Queensland. Local government in Queensland will cease to exist because of the strategy that this government has put in place. It will be replaced by a system of regional government. No government strategy has been more strenuously opposed in the area that I represent than the strategy of the Labor government to attack the concept of local government.

This legislation before the House today is rather curious. A range of speakers on this side of the House, foremost amongst whom was our shadow minister, have struggled to adequately express their difficulty in understanding why this legislation is before the House. But to understand why it is before the House one has to understand where it fits into the strategy.

As those communities that I represent and communities all across Queensland fought so hard against the Labor Party's strategy to attack local government, they were amazed by the absence of the union movement. They were amazed by the fact that the union movement was not involved in that argument to protect their members—the people who work in those local governments. It was something that the communities could not understand. It was something that the councils could not understand. Why on earth was the union movement not taking a more leading role in this debate?

The legislation that is before the House today makes it clear why it was not. This is the payback. As the shadow minister said, this is payback for the silence the union movement was able to provide for the government in that debate. It is a debate that is still not over. Even as those communities go to elections for these new regional councils, there is still an enormous amount of frustration and anger out in the communities across Queensland about the way the Labor government attacked their local governments and took away their local councils.

I have seen this in recent days as I have attended some of the meet-the-candidate functions in my own electorate. This anger is still there and is still being expressed. Woe betide any council candidate who does not recognise that feeling in the community. Almost without exception they all have.

But it is a groundswell of community concern that has been comprehensively ignored by all those members who sit on the opposite side of this House. Not only did they ignore all of the concern expressed to them; they completely ignored the results of the referenda that were conducted. I do not think there have been referenda so comprehensively demonstrative of community concern as those that were conducted in the communities that faced the loss of their local governments.

For voluntary referenda to get the types of returns that these referenda did is almost unheard of. It was far beyond what anybody expected. In some of the council areas that I represent over 85 per cent of the ballot papers sent out for the voluntary referendum were returned. Of the ballot papers returned, 75 per cent and 80 per cent of people voted comprehensively no. They voted against this agenda to attack local governments.

Where was the union movement? If we listen to the philosophical warriors on the other side the House, it should have been out their protecting the people who work in the councils—protecting those men and women who go out in their orange shirts day after day and do the jobs on the ground. Where was the union movement representing those people and those communities? It was noticeable by its absence. It was noticeable by its silence. Today we see why. This legislation before the House today is all about somehow fighting this philosophical battle to ensure that the union movement has a base of people whom it will never lose.

Right across Australia and right across the world, people are walking away from the union movement. They are walking away from the union thugs, the union heavies and the union parasites that have their hands in workers' pockets and deliver nothing in return, because if the union movement had anything to deliver it could, like everybody else, compete. It could provide a service that people find more valuable, rather than engineer this semicompulsory sort of situation that we are being left with in local government in Queensland.

There are deep concerns about this legislation not just from members on this side of the House—not just from the shadow minister and the members who have spoken here this afternoon. Deep concerns have also been expressed by the Scrutiny of Legislation Committee of this parliament, a standing committee of this parliament. The committee system in this parliament comes under some criticism from time to time, and from time to time I have had reason to think that criticism may well be warranted. But if we are going to have a committee system that costs this parliament and thereby the people of Queensland a considerable amount of money, it behoves each and every one of us to be cognisant of what those committees report. In this case, the Scrutiny of Legislation Committee has made one of the most pointed reports that I have seen in the 10 years that I have been in this parliament.

If the members who stand to support this legislation—who read the prepared speeches that somebody has written for them in the department or in the ACTU headquarters or wherever—really want to achieve any credibility at all, they should read the report of the Scrutiny of Legislation Committee and address the points that the committee raises, because it is a committee of this parliament. It is a committee of this parliament that is established at some expense to this parliament and has a role in

reporting on the legislation. The committee raises a whole range of issues, but there is none more important, in my view, than the one that is listed in paragraph 12 in relation to clause 12. I will quote it. It is a long quote, but it needs to be well and truly reinforced in the minds of every member who will vote on this legislation. The committee says—

The most significant consequence of removing the corporate status of the local governments in Queensland is to abrogate their status as a separate legal entity. Instead, they will be constituted by the councillors elected to each Council. So whenever the Act refers to a local government, it is effectively referring to the group of elected councillors who comprise the local government. These councillors are thereby rendered liable for all the activities of their local government. The status of a local government is effectively converted into an unincorporated statutory association whose councillors assume all the rights and liabilities of the local government. It is therefore imperative that the bill provides full legal protection for the councillors.

The committee concludes this particular paragraph by saying—

Yet this does not appear to have occurred.

That is what the bipartisan committee of the parliament says—that it does not appear to have occurred. With regard to the protections which each and every one of us would insist upon for any of the incorporated associations in our electorates—the protections which all of us as local members have probably sought to provide for sporting clubs, community groups and a whole range of incorporated associations within our electorates—the statutory committee of this parliament has said in a report to this parliament that the bill does not appear to provide that to elected councillors who will serve in the regional local governments elected on 15 March. That is an intolerable situation.

It is an intolerable situation for us as parliamentarians to pass legislation that will put councillors who seek to serve their communities in that sort of position. It is an intolerable situation for any member of this House to vote to support this legislation without specifically addressing the concerns of a committee of this parliament that has brought those concerns to this House in a report. If we seek to do that, then we might as well get rid of the committee. We might as well put an end to the farce that is the committee system of this parliament if we are going to ignore a report so pointed and so pertinent as the one that the Scrutiny of Legislation Committee has provided to this House on this particular issue. My challenge to the minister is that he needs to address that issue. He needs to address that issue—not with political rhetoric, not with some philosophically driven support for the unions, not with some vitriolic attack on John Howard and WorkChoices—

Mr Mickel interjected.

Mr SEENEY: Of course! Rather, the minister needs to address that with some real assurances for the men and women who will serve on local governments throughout Queensland for the next four years. The minister has a responsibility to do that, not because I have challenged him to do it but because a committee of this parliament has provided this parliament with a report that raises very serious doubt about whether or not those men and women will receive those basic protections which I believe all of us would agree they are entitled to.

With regard to the legislation before the House this afternoon, as many speakers before me have said, it is very difficult to understand why this legislation is here unless one understands the strategy that has been put in place by the Labor government with regard to local government in Queensland over a long period of time. It is legislation that has the very flimsiest of legal backgrounds, as the shadow minister pointed out when he stated that the only precedent for this legislation is some 1947 act to do with the compulsory acquisition of chaff and hay for drought-stricken horses in South Australia. How absurd it is to grasp at a straw like that, to grasp at the Chaff and Hay Act of South Australia in 1947 for some sort of legal justification for the legislation that has been brought into this House as payback to the union mates who sat silent and mute while communities right across Queensland expressed their anger and outrage at the attack that this government perpetrated on their local governments.

Mr Hinchliffe interjected.

Mr SEENEY: That is what we will vote on later on tonight. Given the political realities of this place, I have no doubt that the political clones who sit on the Labor Party back bench will dutifully try to cross the chamber and vote in favour of this legislation without addressing those pertinent points. I say to the member for Stafford, who I would have thought would take his position as a member of this parliament reasonably seriously, that before he moves across the chamber to vote in favour of this legislation he has a responsibility to himself and his constituents to address the concerns that have been brought to this House by the Scrutiny of Legislation Committee. He has a responsibility to the people who will serve on local governments right across Queensland to ensure that the basic protections that are afforded to so many people in his electorate are also afforded to them, because being a member of parliament is about more than coming in here and joining in the conga chorus line and providing the noise and the meaningless sort of chatter in the background that seems to be the focus of so many people who sit over there.

This is a serious piece of legislation. It sets an enormously concerning precedent, and I think those concerns have been well and truly outlined by a range of speakers on this side of the House. Those concerns will be reinforced by our refusal to support this legislation, because the government has

not made the case. It has not established, first of all, that this legislation is necessary, besides being some sort of a retreat from or some sort of reliance on an ongoing hatred for the WorkChoices legislation, and another chance to give its particular political philosophy a kickalong.

I have a background in local government. Some of the best years of my life were spent as part of a local government serving local communities. I feel for those local governments that will disappear on 15 March, because I know that those communities will be the poorer for their going. I know that the system that will be put in place will be far inferior to the one that has served the communities across Queensland, but particularly in my electorate, for so long.

My electorate is somewhat different. It does not have a large municipal centre. My electorate is made up of 12 small communities. Twelve councils represent those communities and they look after the local governance of those communities, as they have done so very well for generations. I was very proud to serve on those local governments. But those local governments have now effectively been done away with. In the case of the North Burnett Regional Council, six councils were amalgamated into one.

I am pleased that the Minister for Main Roads and Local Government is in the House, because I want to take this opportunity to put on the record what I think is probably the worst impact of the whole local government reform, and that is the situation that will happen with regard to the Taroom shire. That shire will be split in half along some sort of arbitrary line that actually splits properties. There is no basis at all for that division. There are two communities in the Taroom shire: Taroom and Wandoan. They have a community of interest that is indisputable. Yet one community will be in the Banana shire, which is based in Biloela, which is 2½ hours drive from Taroom, and the other community, Wandoan, will be in the Dalby shire, which is 2½ hours drive the other way. Nothing could be more absurd. It is for those reasons that this local government reform agenda was opposed so stridently by communities across Queensland.

What we see in the House this afternoon with this legislation is just another piece of that jigsaw, another piece of that strategy, being put in place. This latest piece is to appease and to pay for the silence of the union movement while communities such as Taroom, Wandoan, Monto, Eidsvold, Gayndah, Wondai and Kilkivan and the other communities that I represent seethe with anger over what is being done to their communities and their local councils. The union movement has been silent. Today, the union movement gets its payback. That is what this legislation is about, and let there be no doubt about it.

The Scrutiny of Legislation Committee understood just how far the government had to go to engineer some sort of legislation that could provide the union movement with what it wanted. The Scrutiny of Legislation Committee expressed its concern in the report that is before this parliament. That report should be enough to ensure that every member of this parliament who has respect for this parliament and respect for the committee system, which is an inherent part of this parliament, votes against this legislation today and ensures that the standard of legislation that is passed by this House is not brought down to the level of the bill is that before the House. Like every other member on this side of the House, I will vehemently oppose this legislation.

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (6.23 pm), in reply: We have just listened to a lament, really. It is a bit of a shame to me that the honourable gentleman is not still the Leader of the Opposition. I reckon get rid of 'The Borg' and bring back 'The Biff'. We have just heard a dreadful attack on Di McCauley. She was a part of that local government committee. We know what she thinks of my honourable friend opposite, and we just heard a dreadful attack on her.

The trouble with the opposition members is that they have not got their alibis straight. The shadow minister obviously read a speech that was written by many conservative members for Clayfield before him. It was an attack on the unions. According to the member for Clayfield, that is the reason we introduced this legislation. But, of course, the private secretary to the Leader of the Opposition had it that I introduced this legislation because I was going to attack the rail union myself. The members opposite cannot work out which side they are on with all of this. Then we heard the grandaddy of them all—that what they were going to do really was let the legislation repealing WorkChoices through the Senate. That was the big deal this afternoon. But the members opposite did not get their alibi right because, while they were all saying this, this afternoon on John Miller's program on 4BC Senator Boyce—a Liberal senator from Queensland, and members would all know her as she is a household name—

Mr Stevens: She is our representative.

Mr MICKEL: Precisely. She would not make an impression on a soft cushion. Senator Boyce suggested that she does not know what 'mandate' means—whether it is roll over and play dead—and that the Senate will have more coalition senators than government senators even after 30 June. In other words, WorkChoices is not dead, because the federal coalition members are still going to have the

numbers, and this afternoon Senator Boyce let the cat out of the bag. For goodness sake, if the members opposite are going to run a line in here they should at least get senators onside so that they can all run the ruse together.

But let me explain why we have to deal with this issue. My friend from Callide said that the union movement played dead. My friend should go and tell that to Glenn Churchill in the Banana shire. He ran the WorkChoices campaign there when he was the National Party candidate for Flynn. He surrendered within hours. The union movement went down the coast to all of those local authorities and campaigned against WorkChoices. What happened? They all surrendered—the whole lot of them. So the member should go back and tell them now this afternoon, or tonight—he should ring them up—and say, 'I was back in there this afternoon defying all the workers. I want WorkChoices back.' The honourable gentleman from Callide said, 'I was in local government.' We all remember that.

Mr Seeney interjected.

Mr MICKEL: Yes, we do. The member was the one carrying the noose. I thought he was going to hang himself, the poor thing. This was in the 1990s before he came into this place.

Let me deal with the substantive issues of this legislation. Why do we have to introduce this legislation now? Because the elections are in March. We have no idea—and neither do the members opposite—what the federal coalition is going to do with this first tranche of abolishing AWAs. That is all the federal amending legislation does. The substantive issues in clarifying the role of local government under WorkChoices does not get introduced until the spring session of the parliament, later this year, and would not become law until 2010. That is the reality.

The honourable gentleman opposite would have us believe that, with the local government elections in March, we should somehow trust—their language—that the federal coalition is going to deliver something in 2010, when this afternoon on 4BC a senator gave the game away that they will not. All it is is a headline opposition. When it comes to the Senate, they will find every reason under the sun to oppose the abolition of WorkChoices. So in actual fact, local government employees will be spared nothing. We are taking this action with a deliberative vote to stand right beside those local authorities and their employees to protect them from a capricious council or a capricious federal government, which might be in power in 2010, to strip away their rights. That is why we have introduced this legislation.

WorkChoices means that employees of trading corporations are covered exclusively by the federal industrial relations system. As I said in this House repeatedly last year—and I will say it again tonight—it is not clear if local governments are covered by the federal industrial relations system because it is not clear if some or all of them engage in sufficient trading to meet the legal test that determines what is a trading corporation. The federal government has said that it will amend the federal legislation, but those amendments will not come into effect—and this is the crunch point—until 1 January 2010. As part of the consultation around local government reform, the government gave a commitment to do all that was legally possible to ensure that local government is covered by the state industrial relations system, and I do not resile from that one bit. I have always believed—and I believe tonight—in this legislation and that local government was always subject to state government legislation.

Also, at the heart of it, I believe that in March, no matter where they line up, people will not vote in the local government election for a corporation; they will vote for mayors and councillors. That is at the heart of it. As I said, the critical date for local government employees to be in the state system is 15 March 2008. That is when the local governments are merged. If local government employees are in the state system before the mergers, the law that applies to the transfer of their employment and of their entitlements is much clearer. It will be the state laws that apply.

Sitting suspended from 6.31 pm to 7.30 pm.

Mr MICKEL: As I was saying before the dinner adjournment, the state laws include provisions of the Industrial Relations Act as well as codes of practice and regulations made under the Local Government Act which—and this is the important crunch point with this legislation—preserve an employee's continuity of service when they transfer. This means that service with the old employer or the old council counts as service with the new employer for the purpose of accruing benefits such as long service leave and annual leave. They also protect all their accrued entitlements such as sick leave balances and annual leave balances, which they take with them. I would have thought these are essential conditions for employees in local government, and that is what we are enshrining with this legislation. That is what the Liberals and the National Party are opposing. We are protecting employees' ongoing rights to receive the same wages and other benefits that they had with the old employer.

If federal law applies when the mergers take place, I am advised that there is legal uncertainty about the protections that apply both for employing local governments and for employees' entitlements. WorkChoices was so badly drafted that if local governments are not removed from its clutches, the old councils—and this is the flashpoint for the member for Nicklin—may have to pay out all or some of the accrued leave entitlements, even though these entitlements are carried over to the new council when the employee is transferred. This could lead, I am advised, to liabilities for councils totalling tens

of millions of dollars. That is what is at stake with this legislation. That is why we are supporting it. But for some mysterious ideological reason they are opposed to it. They are opposed to the local councils they profess to be standing up for. They are opposed to the entitlements of the workers in those rural and regional areas they profess to be trying to protect.

The Scrutiny of Legislation Committee—and this was drawn to my attention by the Independents—was concerned with whether the bill had sufficient regard for the rights and liberties of the people affected by it. The important point about this bill is that it protects an employee's existing pay and entitlements and does not impose additional costs on local government employers. When local governments' corporate status changes, the federal industrial instruments are no longer effective. The bill will convert the existing federal awards and agreements into state awards and agreements. These substituted state instruments will provide the same pay and entitlements that employees had before these amendments commenced. If there is any doubt about this, proposed new section 753 of the bill makes it clear that an employee is entitled to receive the same remuneration after the bill commences as they received before the bill commenced. This section also ensures that overaward payments are continued. Some changes to the industrial instruments are necessary to ensure they can operate in the state environment. For example, references to the AIRC are replaced by references to the QIRC, references to federal provisions are replaced by references to corresponding state provisions and references to federal unions are replaced by references to state unions.

Members opposite have commented at length that the Brisbane City Council—and those of you who live in Brisbane and know candidates for the Labor Party in Brisbane could take this back to the candidates—is not included. Why is that? Firstly, it has its own separate act. Secondly, it is not amalgamated. I have here a letter I received from Jude Munro, the chief executive officer of the Brisbane City Council, presumably acting on behalf of the Liberal Lord Mayor of Brisbane. What does she say? The letter states—

The Brisbane City Council is always, and continues to take the view that the issue of the applicability of WorkChoices legislation can only be finally determined by federal legislative change and cannot be the subject of unilateral state legislation.

In other words, the Brisbane City Council wants to go into this council election upholding the worst aspects of WorkChoices. When people have a Liberal candidate in their ward they should just remember this: the chief executive officer, presumably acting on behalf of the Liberal Lord Mayor, goes into this council election upholding WorkChoices and defending it subject to change only by federal legislation. As I said, we heard the duplicity of the Liberal Party senators this afternoon on 4BC when they said that they would not oppose it necessarily.

That puts a lie to the rubbish that the member for Charters Towers spoke this afternoon. He should go back and tell the workers he professes to represent that he has sold out their entitlements, with all the jiggering and sniggering he is going on with. I do not think it is funny to be laughing away at people's rights and entitlements, as he is in his asinine way this evening.

As I said, members opposite claimed that the bill will mean the disappearance of local governments as separate entities. They are wrong. The bill makes it clear that local government continues in existence as a separate legal entity. This is confirmed by proposed section 1294, which provides that a local government in force prior to the commencement of the new arrangements continues in existence as a local government that is not a corporation. This reinforces other provisions in the bill that make it clear that local government is a separate legal entity. For example, section 35(2) makes it clear that—

A proceeding against a local government must be started against the local government in its name.

The members opposite cannot read the bill. They were trying to say that it somehow is like a sporting body. Fancy drawing on the legal expertise of the member for Moggill, whose only court appearances were taking on the Liberal Party!

Members opposite love wandering in here quoting the Local Government Association. I am going to do it for them. A letter I have in front of me from none other than the president of the Local Government Association of Queensland says that he is satisfied that local governments will remain separate entities and retain the ability to sue and be sued. As I said, this is communicated, on local government letterhead with his signature, in a letter to my colleague the Hon. Warren Pitt dated 20 February 2008.

Tonight we are witnessing history. This is the night that the Liberal and National parties sell down the drain the Local Government Association of Queensland, which they always profess to represent in this House. For heaven's sake: who had they been speaking to when they decided to oppose this legislation? Let us deal with these matters, because they address the concerns raised in paragraph 19 of the Scrutiny of Legislation Committee's *Alert Digest No. 2 of 2008*.

The Scrutiny of Legislation Committee, berated by the member for Moggill, who tried to claim it as some sort of Labor Party front, also raised concerns about the legal liability of councillors. Just as the member for Nicklin said, the demons that many think are in this bill will fade with this explanation. Not only does the bill make clear that local governments are separate legal entities; it also provides for

specific protections for councillors. The protections provided for in proposed section 38A are in addition to the standard protections provided for councillors in section 240 of the act. They apply to councillors as they constitute a local government, distinct from their role as a councillor of the local government.

The bill has been drafted to provide the broadest possible protections. There is no liability for a councillor acting honestly. The expression 'any matter or thing' in subsection 1294(2)(b) is broad enough to encompass an omission or failure to act. The protection stops short of fraudulent behaviour.

In relation to concerns about the lack of any protection or indemnity for debts and other financial liabilities, the provisions in proposed section 1294 provide for debts and financial liabilities of existing local governments to continue. This is confirmed by the continuation of current provisions that establish specific liability for councillors in special circumstances. Sections 523 and 526 of the act provide that councillors are jointly and severally liable for disbursements not provided for in their budget that are not a genuine emergency or hardship and unauthorised borrowings.

Existing indemnities in the Local Government Act for councillors and employees are not affected in these amendments. Existing sections 240 and 1144 provide indemnity for councillors and employees for any act or omission done honestly and without negligence under the act. Further, any liability that would otherwise attach to a councillor or an employee attach instead to the local government.

The Scrutiny of Legislation Committee expressed concern about clause 28 of the bill. Clause 28, by proposing new sections 1294 and 1295, makes it clear that a local government entity continues in operation but in a different form. Although now to be constituted by councillors, the local government entity continues its existence and operations as a statutory entity rather than a body corporate entity. The existing provisions of section 36, which specify broad general powers of local governments, together with the proposed amendments, establish this local government entity and provide its power to enter into contracts; acquire whole, deal with and dispose of property; charges of services and facilities it supplies; do other things necessary or convenient for the exercise of its jurisdiction; and exercise its power in its own name.

The change in the nature of the entity of a local government will not result in local governments being subject to state government powers of intervention or direction, other than those powers already set out in the act. I am advised that the significant autonomy and independence enjoyed by local government will not be adversely affected by the proposed changes in the nature of local governments. The change to the nature of the legal entity of a local government will not result in any change to the Queensland legislation to which local governments are subject. There is a body of Queensland legislation that refers to local governments. However, it does not rely—I stress, it does not rely—on local governments being a body corporate.

The other genius in the debate was the honourable member for Warrego. He said that the amendments will take away local governments' existence in law as a separate legal entity. The bill continues local governments as a legal entity, as I have said. He also said that a local government will not be able to enter a contract and will be incapable of being an employer. The reality is that the legal entity of a local government continues. New section 36(6) makes it clear that a local government can continue to exercise its general powers in its own name.

The member for Warrego also said that the property owned by a local government may need to be transferred to the legal entity which replaces the local government. The reality is that the legal entity of a local government continues. Section 1294(2) makes it clear that the local government's assets, rights and liabilities are not affected by changes to the way a local government is constituted by section 34. There will be no need to transfer property to other assets.

Finally, the member for Warrego said that these changes have not been tested in law. The bill was drafted in accordance with the Solicitor-General's advice. The Solicitor-General considered relevant High Court decisions. However, it begs the question: what was the legal advice that the opposition relies on in its opposition to this bill? Has it tabled that advice? Has it made that advice clear, accountable and transparent? Of course not! Opposition members just come in here, open their mouths and let the wind blow their tongues around, and they substitute that for debate and informed comment.

The state coalition went to the last election with a policy of keeping state public servants in the state industrial system. Why did it have this policy? Because it knows how unfair the federal WorkChoices legislation is and it wanted to ensure teachers and public servants remained in the state system. I challenge the opposition to stand with the Queensland government tonight and protect the rights of council workers in rural and regional Queensland and in our provincial cities by allowing them to remain in the Queensland industrial relations system, just as it is committed to keeping state public servants in the state system. The workforce in over 50 councils have had meetings with the union movement and have voted to stay in the state system. Tonight, all we are doing is abiding by the choices that the workforce made—that is, to protect them from WorkChoices and allow them to stay, in a very clarified way, in the state industrial system.

My final point relates to the comment of the honourable member for Callide that there had been plebiscites and we should have taken notice of the plebiscites. That is a very interesting proposition. When the Borbidge government was elected, it introduced local government legislation. What did it say in relation to the deamalgamation of the then amalgamated councils? It said that it would not find as binding any vote or plebiscite on the state government. This afternoon they lectured us on democracy, yet in 1996-97 they disagreed completely with the proposition they were advancing in this House tonight.

Once again the choice is clear. One side of politics and the Independents want to stand up and protect local authorities from the potential liabilities they may face and want to join with the workforce in giving it what it wants, which is to be protected from the worst aspects of WorkChoices. On the other hand, as we have heard this afternoon from a Liberal Party senator, the other side will not necessarily feel themselves bound by a vote in the Senate on WorkChoices.

They ask, why the hurry? We want to protect people prior to the local government elections. We want to provide that protection tonight, so that it is in effect at the time of the local government elections because we know that, even if the Liberals change their minds again, the federal legislation will not take effect until 1 January 2010. The choice is clear: tonight we can vote for legislation that protects the workforce and upholds the state industrial relations system, or vote to strike it down, as the member for Charters Towers and all the other members of the opposition would have us believe they want to do.

Division: Question put—That bill be now read a second time.

AYES, 56—Attwood, Barry, Bligh, Bombolas, Boyle, Choi, Croft, Cunningham, English, Fenlon, Foley, Fraser, Grace, Gray, Hayward, Hinchliffe, Hoolihan, Jarratt, Keech, Kiernan, Lavarch, Lawlor, Lucas, Male, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, O'Brien, Palaszczuk, Pearce, Pitt, Pratt, Purcell, Reeves, Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wellington, Wendt, Wettenhall, Wilson. Tellers: Finn, Jones

NOES, 25—Copeland, Cripps, Dempsey, Elmes, Flegg, Gibson, Hobbs, Hopper, Horan, Johnson, Knuth, Langbroek, Lee Long, Lingard, McArdle, Malone, Menkens, Messenger, Nicholls, Seeney, Simpson, Stevens, Stuckey. Tellers: Rickuss, Dickson

Resolved in the affirmative.

Bill read a second time.

Consideration in Detail

Clauses 1 to 9, as read, agreed to.

Clause 10 (Replacement of s 35 (Local governments are bodies corporate etc.))—

Mr MICKEL (7.57 pm): I move the following amendment—

1 Clause 10 (Replacement of s 35 (Local governments are bodies corporate etc.))—

At page 21, line 14, after 'councillors'—

insert—

'for the time being'.

I table the explanatory notes for the edification of the House.

Tabled paper: Explanatory notes for amendments to be moved during consideration in detail by Hon. Mickel to the Local Government and Industrial Relations Amendment Bill.

Mr NICHOLLS: Clause 10 of the bill, as amended by the minister, is at the heart and soul of this legislation and at the heart and soul of the concerns the opposition has in relation to the activities of the government and its reform agenda. The amendment was only circulated at 12.30 this afternoon and we received a briefing at one o'clock. That in itself is indicative of the way this legislation has been rushed, the way this legislation has been put before the House and the way in which this government consults and deals with the people of Queensland, particularly the constituent bodies that will be affected by this legislation.

The amendment itself deals with the situation where there may be a case where there are no longer councillors. Currently subsection 34(1) states, 'A local government is constituted by the councillors of the local government.' The amendment inserts the words 'for the time being'. It does that in order to make sure that there is no failure of continuity of ownership or constitutionality of the local government. Without that amendment what would happen is that, if there had been no councillors available say between the calling of an election and the declaration of an election, there would be no local government.

I wish to raise another issue with respect to clause 10 and subsection 34(1), which states, 'A local government is constituted by the councillors of the local government.' The issue may well arise under the existing and amended clause that the local government could be constituted by one councillor—all of the other councillors may not be there. There may be in some way, shape or form only one councillor available who shall constitute the entire local government. For the new regional councils that are very large in size with very many employees and very many obligations, it may be that the council could be constituted by a single councillor.

The other issues with respect to clause 10, section 34, still have not been addressed by the minister in reply. The minister has failed to address the issue in clause 12 of the Scrutiny of Legislation Committee's *Alert Digest*, which states—

The most significant consequence of removing the corporate status of the local governments in Queensland is to abrogate their status as a separate legal entity.

It then goes on to say—

The status of a local government is effectively converted into a unincorporated statutory association whose councillors assume all the rights and liabilities of the local government. It is therefore imperative that the bill provides full legal protection for the councillors. Yet this does not appear to have occurred.

In all his address, the minister has not yet addressed the fundamental concern that has been raised by the Scrutiny of Legislation Committee: the status of the local government is effectively converted into an unincorporated statutory association. The minister has two choices in those circumstances: he can either agree with what the Scrutiny of Legislation Committee says or he can disagree with it, and in doing so he disagrees with the legal advisers to the committee, including Professor Gerard Carney, Dr William Crane and others who constitute that committee—people of some considerable legal repute, if you like, particularly Dr Carney, a professor at Bond University.

How does the minister answer the comment that the status of a local government is effectively converted into an unincorporated statutory association whose councillors assume all the rights and legal liabilities of the local government? That is one issue that is yet to be resolved on the way through. If it is the case that the minister disagrees with what the Scrutiny of Legislation Committee has put forward, will the minister table the advice that he has received in relation to the constitution of a local government by councillors of the local government? It would seem that if there is a significant question—as has been raised by many people, including the Local Government Association—in relation to this issue, the simplest and easiest way for the government to address that concern is to table all the advice of crown law in relation to the removal of the legal corporate status.

I note during the minister's comments in response he referred to the letter he had received from the Local Government Association, but I do refer the minister again to the news release of the Local Government Association's Councillor Paul Bell—

Legislation introduced in state parliament yesterday removing the corporate status of all Queensland councils except Brisbane could put them at risk of legal challenges and affect their abilities to operate.

That was according to Councillor Paul Bell.

When it was clear the government would proceed to decorporatise council, the LGAQ made representations to ensure existing rights and obligations and liability of councils would be protected.

Those were the comments that were made. There has been some attempt in the legislation in other clauses, which I will not deal with here, to address that but the significant fact of the matter is that the Scrutiny of Legislation Committee's concerns in relation to the status of local government and the liability issues have still not been addressed.

I would ask that the minister comment in respect to that. If he does have that advice, I would ask that he table that advice as being the simplest and surest way of addressing the concerns of the coalition, of the Local Government Association and of those other people vitally interested in this unprecedented change of status to what is effectively described as an unincorporated statutory association by the committee.

Mr MICKEL: Let me deal with the amendment. The amendment removes doubt and clarifies that a local government is constituted by the councillors currently in office. The constitution of a local government as a legal entity is not affected by a vacancy in the office of councillor. Now, the honourable gentleman, according to the advice given to me, is wrong. The new entity is simply a statutory local government. It is a new type of entity and it continues as a local government.

What astounds me—as I said in my summing-up—is that the National and Liberal parties are out of step with the Local Government Association of Queensland. Let me deal with the letter of 20 February 2008 written to my colleague the Hon. Warren Pitt under the heading 'Separate legal entity'. I quote from the letter—

Having regard to new Local Government Act sections 34, 35, 36(6) and 38, proposed in LGIRA clauses 10 to 12, and to the 'Chaff and Hay Acquisition Committee' High Court decision, LGAQ is satisfied that local governments will remain separate legal entities.

The other matter that the member raised, and I will repeat it for the member: the ability to sue and be sued and personal liabilities of councillors—

Sections 35 and 36(6) as proposed by LGIRA, in conjunction with the other sections proposed, satisfies LGAQ that local governments will retain the ability to sue and be sued.

On a related issue, section 38A, as proposed by LGIRA, protects councillors, the CEO and an administrator, 'in the administration of this Act or in the performance or exercise, or intended performance or exercise, of any of the local government's functions or powers under an act' from liability for things done 'honestly'.

It astounds me that the Liberal and National parties, which always rely on some close affinity with the Local Government Association, have in this case not bothered to speak to them because that was the position put by letter by the president of the Local Government Association of Queensland to my colleague on 20 February 2008.

Mrs CUNNINGHAM: I seek a clarification which I touched on during the division. I acknowledge that the minister's staff already have an answer to it. I want to publicly raise the issue because one of the councillors in my electorate asked it of me. They had some concerns with the changes proposed in the Local Government and Industrial Relations Amendment Bill. There was some concern and lack of clarity in their mind about the application of the Trade Practices Act. It applied in the past. Will it apply to local councils after the passing of this piece of legislation?

Some of the concerns that councillors have expressed have been uncertainty about questions that they have had in their own minds in terms of any potential change in their status. Once those matters are clarified and there is legal advice and information available to them to give peace of mind to councillors, the CEO and senior staff, I am sure that many of those concerns will evaporate. However, this was one of the specifics that was raised with me and I put that to the minister in relation to the application of this legislation.

Mr MICKEL: I am advised that the trade practices sections, part 4 of the act, refer to local governments. As local governments are still local governments, I am advised that those sections are unaffected.

Mr NICHOLLS: I note that the minister still has not tabled the advice that he would be relying on in relation to clause 10, which makes the changes and creates the new form of local council and councillors of the local government. In light of the letter that the minister has received from the LGAQ, I would ask that he table both the letter and the advice to address the issue.

The issue that has been raised by the Scrutiny of Legislation Committee, and which is still unanswered, relates to an unincorporated statutory association whose councillors assume all rights and liabilities. This has to be satisfactorily answered. The concerns of the local councillors and subsequently the CEOs and senior officers of the organisations have to be satisfied and addressed. The significant uncertainty that still exists, notwithstanding what the minister has received from the LGAQ, can be properly addressed based on the advice the minister has received. There should be no difficulty if that advice is clear and unambiguous on the powers of the government to introduce this legislation and create this new type of legal entity.

In the absence of that, people are entitled to say, 'What is it that this government knows and is not telling people that may affect the certainty of the status of the local authority? What is it that this government knows that may affect the liability of councillors, chief executive officers, administrators and senior managers?' It is not that difficult a question. It is not too much to ask that that information be tabled.

Mr MICKEL: Again, I am astounded that those opposite have not been in touch with the LGAQ. I am not going to do their homework for them. They will have to get on the phone and find out its attitude. As I said, new section 34 provides for the constitution of a local government as an entity that is not a corporation. New section 34(1) provides that a local government is constituted by the councillors of the local government. The definition of 'councillor' in the dictionary includes the mayor.

New section 34(2) provides that the chief executive officer constitutes the local government at times when there are no councillors. This ensures the continued existence of the local government as an entity during periods when there are no councillors, immediately after a poll and before the declaration of the poll. This new section is subject to section 178, which provides for the appointment of an administrator of a local government in certain circumstances. New section 34(3) specifies that a local government is not a corporation. Local governments are therefore not employers for the purposes of section 6(1) of the WR Act. A local government is no longer a body corporate.

As to the rest of issues that were raised by the Scrutiny of Legislation Committee, the member will find when he reads my reply to the second reading debate that I answered all of the queries put by the committee.

Mr HORAN: I move that the minister table the letter from the LGAQ that he just read out.

Mr NICHOLLS: I second it.

Mr MICKEL: Members are witnessing history. Here it is. I do not mind giving the LGAQ letter up, but what it shows is the laziness of the opposition. This is an opposition that could not even go to the Local Government Association and find out what its views are.

Mrs Miller: There are only four there!

Mr MICKEL: There are only four of them there. Those opposite have been quoting the Local Government Association all afternoon and we find out tonight, because I flushed them out with this letter, that they have been too lazy to actually get any advice on it. All they have done is get up here all afternoon without any research, no legal backing and—

Mr Hinchliffe: They've googled it.

Mr MICKEL: A bit of googling for those who are capable of using a computer. All of them have this in common: they are too lazy to go to the Local Government Association and find out what its attitude is. We have to do their homework for them. It is hard enough being the government for all of Queensland, but now we have to carry a hopeless opposition. That is what this amounts to. If it means those opposite do not have to ring them up and find out, I will give them the letter.

Mr Rickuss interjected.

Mr MICKEL: The member for Lockyer wakes out of a bit of a slumber after selling out the people. He went to preferences last time on WorkChoices.

Mr Rickuss: You're so boring you don't even put me to sleep.

Mr MICKEL: The member for Lockyer wanders into this joint and tries to pretend that he actually does some work around the place. Cut it out. If he did any work at all he would have been down to the Local Government Association to find out its attitude. You have been uphill and down dale—

Mr Nicholls interjected.

Madam DEPUTY SPEAKER (Ms Darling): Order! I am seeking advice on that, member for Clayfield.

Mr MICKEL: I do not mind tabling it. That will give the poor dears something to read.

Tabled paper: Copy of a letter, dated 20 February 2008, from the Local Government Association of Queensland Inc., to the Hon. Warren Pitt MP regarding the Local Government and Industrial Relations Amendment Bill 2008.

Mr HORAN: That was like squeezing pips out of an orange. I do not know what the hardship was. We still have not had tabled the legal advice, which is the crux of the whole matter. What we have comprehensively outdebated the government on this afternoon is the issue of the new entity that is created.

This is absolutely fundamental to the existence and operation of councils and whether or not people are going to be sued. The minister can stand up there and say, 'I have an assurance of this and an assure of that,' but the Scrutiny of Legislation Committee, an all-party committee, had expert advice on that. There is other legal advice around that people have—not only the LGAQ but also other people involved in local government—that is extremely concerning. These are highly intelligent and probably some of the most experienced people involved in local government and they are concerned.

I think the minister owes it to all those people who put their hands up to be mayors, councillors, CEOs or managers of sections within councils to show that he has absolute and complete faith that these people are as protected as he is as a minister. He would not want to step out from the protection of the Crown—the entity that is there to protect him. Likewise, these people would not want to, either. I think it is imperative that this advice be tabled so that we can have some accountability and clarity tonight as to what that advice is. That is essential in this matter.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11, as read, agreed to.

Clause 12 (Replacement of s 38 (Local government's seal))—

Mr MICKEL (8.19 pm): I move the following amendment—

2 Clause 12 (Replacement of s 38 (Local government's seal))—

At page 22, lines 28 to 30—

omit, insert—

'(2) Subsection (1) does not limit section 472 or 483.

Notes—

1 A local government may, by resolution, delegate its powers, including powers under section 36, to particular persons under section 472.

2 A local government's delegate may make, vary or discharge a contract'.

Mr NICHOLLS: Again, this is one of the packages of amendments that were circulated at 12.30 this afternoon and we received a briefing on at one o'clock which deals with delegation of powers in relation to the actions by officers of the local government and makes certain that that is clarified in that respect. I do want to address, however, proposed section 38A of the bill in the debate here. This is the clause which purportedly deals with questions of liability attaching to councillors or a local government in the administration of the act. This is the clause that we have had a number of discussions on and again the clause that the Scrutiny of Legislation Committee when it dealt with this matter was most particular to address. Again, the Scrutiny of Legislation Committee is the all-party committee advised by some very good legal people.

The Scrutiny of Legislation Committee report turns to the protection from liability under proposed section 38A of the LGA for councillors who constitute local government and it states that it is limited in terms of the section as they are there and then it goes on to state—

This protection does not clearly cover any omissions or failure to act on the part of a local government councillor or a local government. The reference to 'matter or thing' is at least ambiguous, if not simply inadequate, to encompass a failure to act. This leaves councillors legally vulnerable to being sued for failures not only on their part but also on the part of their local government which they now constitute.

Going on with that provision and the reference to that clause, the committee states—

Of further concern is the lack of any protection or indemnity for councillors in respect of their potential liability for the debts and other financial liabilities of their local government.

Paragraph 16 also addresses proposed section 38A and says that it—

... does extend its protection to acts done by councillors in the 'intended' performance or exercise of the local government's functions and powers under 'an Act'.

It goes on and deals with some other issues, but the final and concluding sentence of paragraph 16 of the *Alert Digest* states—

Here again the level of protection conferred is meagre in its description and scope.

That is quite clearly an indictment on the shortcomings of the legislative protection that is purportedly offered by this legislation to councillors in carrying out their duties.

Dr Flegg: Damning!

Mr NICHOLLS: It is, as my friend the member for Moggill indicates, damning of the way this government is addressing the issue of councillors. The question is this: if the minister is so sure of the indemnity and the provisions of section 38A of this legislation that he is proposing to put through the House today, why will he not offer an indemnity to local councillors—local governments—for any things, actions or steps that are taken against them in the conduct of their duty? Why will he not offer them the indemnity sought by the LGA in respect of that liability if he is so certain that his proposed section 38 fulfils the job of looking after councillors, CEOs and senior officers? Minister, in the Chaff and Hay Acquisition Committee case—the High Court case—the committee that was established was offered full indemnity by the South Australian state government when it was put in place, a full indemnity that is not offered by this state government to those councillors who put their names forward in the spirit of public service and good service to the community in relation to that issue.

Proposed section 38A, which is part of clause 12, is significant in terms of what it does in terms of providing protection for councillors, chief executives and others. According to the Scrutiny of Legislation Committee's *Alert Digest*, it is quite clearly inadequate. As the *Alert Digest* says, it—

... is at least ambiguous, if not simply inadequate ...

It continues—

... the level of protection conferred is meagre in its description and scope.

Minister, just because you say it does not mean it is necessarily so.

Mr MICKEL: The protections provided for in proposed section 38A are in addition to the standard protections provided for councillors in section 240 of the act. They apply to councillors as they constitute a local government distinct from their role as a councillor of the local government. The bill has been drafted to provide the broadest possible protections. There is no liability for a councillor acting honestly. The expression 'any matter or thing' in proposed subsection 1294(2)(b) is broad enough to encompass an omission or failure to act. The protections stop short of fraudulent behaviour.

In relation to concerns about the lack of any protection or indemnity for debts and other financial liabilities, the provisions in proposed section 1294 provide for debts and financial liabilities of existing local governments to continue. This is confirmed by the continuation of current provisions that establish specific liability for councillors in specific circumstances. Sections 523 and 526 of the act provide that councillors are jointly and severally liable for, firstly, disbursements not provided for in their budget that are not a genuine emergency or hardship and, secondly, unauthorised borrowings. Existing indemnities in the Local Government Act for councillors and employees are not affected in these amendments. Existing sections 240 and 1144 provide indemnity for councillors and employees for any act or omission done honestly and without negligence under the act. Further, any liability that would otherwise attach to a councillor or an employee attaches instead to the local government.

Mr NICHOLLS: I understand the impact of proposed section 1294. We are not talking about existing debts and liabilities, Minister. What we are talking about is a councillor being sued for a debt or liability whenever incurred. We are not worried about whether someone is in the future going to worry about a previously incurred debt or the ongoing corporate status. What we are worried about is a councillor being sued for a debt—not the existence of the debt, not where it is going but the debt itself

and the liability of the councillor. I refer the minister again to paragraph 12 of the Scrutiny of Legislation Committee *Alert Digest*. It says—

The most significant consequence of removing the corporate status of the local governments in Queensland is to abrogate their status as a separate legal entity. Instead, they will be constituted by the councillors elected to each Council. So whenever the Act refers to a local government, it is effectively referring to the group of elected councillors who comprise the local government. These councillors are thereby rendered liable for all the activities of their local government. The status of a local government is effectively converted into an unincorporated statutory association whose councillors assume all the rights and liabilities of the local government. It is therefore imperative that the bill provides full legal protection for the councillors.

Minister, proposed section 1294 deals with the ongoing contractual obligations of council and it purports to preserve those ongoing contractual rights and obligations and responsibilities. What it does is it says, 'Just because we've created a new entity all those old debts are no longer here and we've got new debts coming on.' It preserves the continuity of it. What proposed section 38A does, which is what we are dealing with here, is to provide an indemnity or liability in relation to acts or actions by councillors, including addressing the comment by the Scrutiny of Legislation Committee that the reference to a matter or thing is at least ambiguous if not simply inadequate to which we have not yet received an answer. As the committee states, of further concern is the lack of any protection or indemnity for councillors in respect of their potential liability for the debts and other financial liabilities of their local government, whether they be ongoing or whether they be new, which relates to proposed section 1294 relating to ongoing debts and contractual obligations. Paragraph 16 of the Scrutiny of Legislation Committee's *Alert Digest* states—

Here again the level of protection conferred is meagre in its description and scope.

Minister, again those are issues that relate to the liability and the impact of people who stand up and put their hands up and say, 'I want to be part of a council and I want to be part of the operations and provide something back to my community.' At the moment there is a very real concern raised by the Scrutiny of Legislation Committee and raised in other legal advice that we have seen copies of from significant legal firms in and around Brisbane and indeed Australia in relation to uncharted waters. If the minister has advice in relation to this liability as the proposer of the legislation—as the person promoting the liability, as the person out there trying to say to local councillors, 'Hey, you guys are protected'—then he ought provide that advice and table that advice here in the chamber so that people know exactly what is being proposed and how he proposes to answer that question.

Mr MICKEL: I will answer it very simply: go to section 35(2). Very simply, I have said this and I will say it for the member's edification for the third time. Section 35(2) says this—

A proceedings against a local government must be started against the local government in its name.

Mr COPELAND: In terms of the adequacy of the coverage against liability by councillors—and the minister has not answered the question in terms of proposed section 35—the minister will not table that advice. Can the minister advise the House whether he has received any advice, either from crown law or from any other body, that raises questions about the adequacy of the liability cover for councillors?

Mr MICKEL: I will ask the member to table the advice he has, because if the advice came from King and Co.—

Mr Copeland: Have you had any advice?

Mr MICKEL: The members opposite do not want to show their advice, because it would show that the advice they have is old advice. The act has moved on and so has the Local Government Association. The members opposite are acting on old advice. That is why they will not table any advice they have.

All I am going to do is say this—I will repeat it again and say it for the edification of the lot of them—go to proposed section 35(2), which states—

A proceeding against a local government must be started against the local government in its name.

Mr COPELAND: I ask the minister again: has he been provided with any advice from crown law or any other body raising questions about the adequacy of the liability cover following the passage of this bill?

Mr MICKEL: The bill makes it clear that local government continues in existence as a separate legal entity. This is confirmed by proposed section 1294, which provides that a local government in force prior to the commencement of the new arrangements continues in existence as a local government that is not a corporation. The local government as a legal entity does not disappear; it continues. When that proposed section is read with proposed section 35, it is clear that the entity is subject to proceedings, not a councillor.

Dr FLEGG: The minister has been talking around the point. Nobody here has any doubt about the sorts of protections that are afforded to a state MP. We have heard the minister talking about things that people can use in defence when they are being sued. That is not a protection at all. I notice that the minister cannot answer the question asked by my colleague the member for Cunningham.

Mr Copeland: He refused to answer.

Dr FLEGG: The minister refused to answer the question for one simple reason: he has something to hide. This is disgraceful legislation. The minister was asked a quite simple question, and will I ask it again. I dare say the minister will refuse to answer it again. Has the minister been given any advice that would bring into question in any way the indemnity and the security of the indemnity that this legislation provides for councillors? The minister has been asked that twice already by the member for Cunningham. I ask him again—and the people of Queensland, who elect councillors to represent them, deserve an answer. We ask the minister to put his answer on the record. If he believes in this legislation, he should back it up. Instead of simply covering it up and having something to hide, does the minister have any such advice?

Mr MICKEL: I will say it again for the poor old thing. The member should go to proposed section 35.

Mr Copeland: What about the advice?

Dr Flegg: Yes or no?

Mr MICKEL: I will take the members opposite again through proposed section 35. It states—

A proceeding against a local government must be started against the local government in its name.

Dr FLEGG: I want to note again that the minister could not answer the question. He has been asked about what advice this government was given. His failure to answer is answer enough. The minister has been given advice that this indemnity is not adequate protection. This is now the second time that I have asked the question and the minister has been asked the question numerous times by other members. He has simply obfuscated. That the minister is not prepared to answer the question is answer enough. He has been given this advice. Clearly, that debases the whole argument that the minister has put forward. Once again, I ask the minister: is there any advice that his government has received in relation to this indemnity and the security of it and will the minister table that advice?

Mr MICKEL: There is no doubt in the legal advice about the protection from liability.

Dr Flegg: There's a lot of doubt about your answer.

Mr MICKEL: No, there is a lot of doubt about the member's ability to lead anything. Nobody followed him out of any sense of curiosity. So the member should not come in here tonight and throw his weight around. I will take the member through it again, because he is such a legal genius. Proposed section 35(2) states that the action will be taken—and I will say it again—against the local government. It must be started against the local government in its own name. I am not here to give the member legal advice; I am here to give him the legislation. That is what the legislation says—'local government in its name'. The member has been rabbiting on all afternoon about some unincorporated body. That is not it. The member should read the clauses of the legislation. If the member listened to my reply, he would get it.

Mr HORAN: I also want to note that a number of times we have asked for the legal advice. Obviously, it is not going to be tabled. On each and every occasion the minister has said, 'Go back to proposed section 35(1),' which states—

A proceeding by a local government must be started in the name of the local government.

Each time the minister was asked the last four or five questions in answer he has gone back very simplistically to the bill, under the heading 'Proceedings' and quoted the new section—

A proceeding by a local government must be started in the name of the local government.

The Scrutiny of Legislation Committee report states—

So whenever the Act refers to a local government—

and this report is written by a pretty learned attorney—

it is effectively referring to the group of elected councillors who comprise the local government.

The minister is saying that a proceeding must be started in a name. That is right, and that is in the name of the 10 councillors. It might be in the name of the council, because that is the process by which a proceedings is commenced, but as the committee's report states—

So whenever the Act refers to a local government, it is effectively referring to the group of elected councillors who comprise the local government.

Proposed clause 35(1), to which the minister refers, states—

A proceeding by a local government must be started in the name of the local government.

That is one and the same. The difference is that previously the government had a corporation—if you like, an inert, sterile thing called a corporation—and with the entity that the government is creating now it is the individuals who are the council. The individuals are the ones who would be sued, not the

inert thing—the council or, in the case of the government, the Crown. That is the difference. So when the minister refers to 'a local government', he is referring to 10 councillors and one mayor, or eight councillors and one mayor. That is the difference between the entity that existed in previous legislation and this legislation. In this legislation, the council is actually 10 people. In previous legislation it was the council, not the 10 people. It is a big difference and that is people's concern.

If the minister is convinced that he is right—and we are convinced that he is wrong—the minister should stand up and read out the crown law advice, whatever particular advice he has received, because this issue is too important to just say simplistically, 'Have a look at proposed section 35(1),' because, as we have shown, when the minister refers to proposed section 35(1) he is referring to the 10 councillors.

Mr MICKEL: I will try again. We are setting up a new entity. The local government as a legal entity does not disappear; it continues. The members opposite have to read the clause in conjunction with proposed section 35. It is clear that the entity is subject to proceedings, not a councillor. The members opposite must also read the clause with proposed section 38(1)(a), which adds two existing protections.

The point is that I cannot clarify it any further for the members opposite because they simply do not understand. They do not understand it, because they do not want to understand it. They do not want to understand it, because the penny has dropped that if this legislation is opposed—and they opposed the second reading of it—they are opposing the allowances and entitlements for workers. They are supporting the potential for local governments to incur millions of dollars in paid-out leave that would otherwise have to be paid out unless we made these entities what they are.

So they are opposed to this. They will muck around with this tonight because the enormity of what they have done—they have sold themselves—has dropped. That is, they know that the Local Government Association is relaxed about this. They know that the entitlements for local government employees were not protected. They will be now with the passage of this bill. They also know that the smaller local authorities, which would otherwise be subject to employees being paid out, are now being protected. Tonight we are protecting the employees and we are protecting the financial viability of the councils.

Mr HORAN: Here we go; we just saw it again. Our debate tonight has been about the foundations of local government. We get the minister up because he is unable to table advice or provide the proof that we require in this scrutiny of the clauses regarding the workers. We have made it quite clear in our contributions tonight that we agree on the issue of protection of workers and WorkChoices. If the government gets the fundamentals and the foundations of local government wrong, the local politicians who run that local government are at risk of being sued because the entity has been changed. That is the seriousness of the advice that has been given to a number of people and the concerns that have been expressed. The minister cannot stand up here today to put out that doubt by quoting the particular advice that he has. I think that is going to leave a lingering doubt about this whole issue. I think there are going to be some serious issues to do with this in the future. The minister stands up and espouses the issue of the workers, but he leaves out the biggest council. He could have included that as an adjunct to this. I know it is covered by another act, but he could have put it through as an omnibus bill. He left out the biggest council and how many thousand workers?

An opposition member: Seven thousand workers.

Mr HORAN: He left out 7,000 workers. He should not come in here and try to lecture us about workers. He does not care about the Brisbane City Council workers. I heard the member for Brisbane Central, whose electorate is in the middle of the city. She could not care less about that; that is not in here. She does not even care about that. So, if what the minister says is true, they are left out in the lurch.

The fundamental thing about this whole debate tonight is the foundations of local government. The minister just gives us glib assurances and makes a few cynical remarks about what we are endeavouring to do to get this thing right. He is not able to provide the advice. This change is based on a 60-year-old interpretation of a split decision about the payment of hay and chaff in a drought situation after World War II. He is basing this whole level of government on that particular issue in trying to make a new entity. I certainly think that the minister is wrong in his interpretation of a 'council' because it quite clearly states that it is not an entity; it is the 10 individuals that make up the entity. The vast difference is that previously it was the council and now it is the 10 people who make up the council. That is why many of us spoke about clubs and about incorporations. It is exactly the same situation. People do not want to be involved with a footy club if they are going to be sued individually. If the club gets sued and the club has to close down because it is unable to contest that properly or it loses the case, so be it. The people do not lose their houses or their lifetime assets. That is what this legislation is about. It is effectively making a dramatic change to the entity, moving it from a thing to a group of 10 people who can be individually sued.

The member for Cunningham asked the minister a number of times if he had advice and, if so, to table it because people want to know that they are effectively, adequately and 100 per cent covered. Surely that is not too much to do. If the minister does not get this right he cannot look after the workers.

If a council is sued and gets taken down in a major case, it puts the workers and some of the senior staff in a very difficult situation. Unless he gets the foundation of his house right, he cannot look after the workers.

We would like to see this tabled. The only way the minister is going to convince this parliament that what he is saying is accurate and give comfort to those people who are extremely concerned about this is to table that advice or, at the very least, read it out and say where it came from.

Ms Grace interjected.

Mr MICKEL: No, they do not get it. I will tell honourable members why they do not get it because the penny has dropped on WorkChoices. What they cannot get through their heads is that it is a local government now and it will be a local government with these changes. They will not accept that. I will tell members why they will not accept that. Let me take them through it again. The reason we have to change this now is this: the state laws include provisions of the Industrial Relations Act and the codes of practice and regulations made under the Local Government Act which—and this is the flashpoint for us—preserve an employee's continuity of service when they transfer. This means service with the old employer counts as service with the new employer for the purpose of accruing benefits such as long service and annual leave, which members opposite oppose. It protects all their accrued balances such as sick leave balances and annual leave balances, which they take with them. Members opposite oppose it. It protects ongoing rights to receive the same wages and other benefits they had with the old employer. We support it; they oppose it.

If the federal law applies when the mergers take place, I am advised there is legal uncertainty about the protections that apply for both employing local governments and for employees' entitlements. This is because WorkChoices was so badly drafted. This is why members opposite are worried about the drafting of legislation, because they have form. They had form when it came to WorkChoices. It was so badly drafted that if local governments are not removed from it the old councils may have to pay out all or some accrued leave entitlements even though these entitlements are carried over to the new council when the employee is transferred. As I said, this could lead to liabilities for councils of tens of millions of dollars. That was because of the poor drafting of WorkChoices.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 and 14, as read, agreed to.

Clause 15 (Replacement of s 53 (Joint local government's seal))—

Mr MICKEL (8.47 pm): I move the following amendment—

3 Clause 15 (Replacement of s 53 (Joint local government's seal))—

At page 25, lines 17 to 19—

omit, insert—

'(2) Subsection (1) does not limit section 472 or 483.

Notes—

1 A joint local government may, by resolution, delegate its powers, including powers under section 50, to particular persons under section 472 as applied by section 12(1)(b).

2 A joint local government's delegate may make, vary or discharge a'.

Amendment No. 3 inserts an amendment and a note in new section 53 by clause 15 to clarify that the new arrangements for execution of documents by a joint local government do not limit the operation of delegation powers in the act.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 and 17, as read, agreed to.

Insertion of new clause—

Mr MICKEL (8.48 pm): I move the following amendment—

4 After clause 17—

At page 26, after line 24—

insert—

'17A Insertion of new ch 4, pt 1, div 2A

'Chapter 4, part 1—

insert—

'Division 2A Councillors holding paid State appointment

'226A Meaning of *paid State appointment* for div 2A

'(1) For this division, a person holds a ***paid State appointment*** if the person, for reward—

(a) holds an office under, or is employed by, the State; or

(b) holds an appointment to or in or is employed by or in—

(i) an entity of the State; or

(ii) the parliamentary service of the Legislative Assembly; or

(iii) a court or tribunal, or a registry or other administrative office of a court or tribunal, of the State.

'(2) However, a councillor of a local government does not hold a paid State appointment if—

(a) an Act requires or expressly permits that the appointment be held by a councillor of a local government, however described; or

(b) when the appointment is held by a councillor of a local government, neither the councillor nor any other person is entitled to or is entitled to and receives any reward on account of the councillor holding the appointment.

'(3) For subsection (2)(b), a councillor of a local government is not taken to be entitled to a reward if the councillor irrevocably waives for all legal purposes the entitlement to the reward.

'(4) For a waiver under subsection (3), the councillor must, as soon as practicable after becoming aware of the entitlement—

(a) waive the entitlement in writing; and

(b) give a copy of the waiver to—

(i) if the councillor is the mayor of the local government—the chief executive officer of the local government; or

(ii) otherwise—the mayor of the local government.

'(5) In this section—

reward does not include—

(a) an amount decided under part 3; or

Editor's note—

part 3 (Entitlements and obligations)

(b) an amount decided under the deed under the *Superannuation (State Public Sector) Act 1990* in relation to a transferring member within the meaning of section 32A of that Act; or

(c) reasonable expenses actually incurred by or for the person for any 1 or more of the following—

(i) accommodation;

(ii) meals;

(iii) domestic air travel;

(iv) taxi fares or public transport charges;

(v) motor vehicle hire; or

(d) an amount (other than an amount paid at the pleasure of the State) paid as a pension, entitlement, remuneration, allowance or otherwise for past service in a paid State appointment.

'226B Meaning of *class A local government* and *class B local government* for div 2A

'(1) In this division, a ***class A local government*** is a local government prescribed under a regulation as a class A local government.

'(2) However, if a regulation does not prescribe any local government as a class A local government, a ***class A local government*** is a local government that, as decided by the remuneration tribunal under section 250AJ, belongs to category 3 or 4.

'(3) In this division, a ***class B local government*** is a local government prescribed under a regulation as a class B local government.

'(4) However, if a regulation does not prescribe any local government as a class B local government, ***a class B local government*** is any of the following—

(a) Brisbane City Council;

(b) a local government that, as decided by the remuneration tribunal under section 250AJ, belongs to category 5 or a higher numbered category.

'226C Effect on paid State appointment of person's election as councillor

'(1) If a person who holds a paid State appointment on a full time basis is elected or appointed as the mayor of a class A local government, the person's paid State appointment is taken to end—

(a) if the person is elected other than as mentioned in paragraph (b)—on the day before the day of the poll at which the person is elected; or

(b) if the person is elected under section 310(1)(a)—on the day before the day a poll would have been conducted if a poll had been required; or

(c) if the person is appointed—on the day before the day the person is appointed.

'(2) If a person who holds a paid State appointment on a full time basis is elected or appointed as a councillor, whether or not the mayor, of a class B local government, the person's paid State appointment is taken to end—

(a) if the person is elected other than as mentioned in paragraph (b)—on the day before the day of the poll at which the person is elected; or

(b) if the person is elected under section 310(1)(a) or if, for the Brisbane City Council, the person is elected under the *Electoral Act 1992*, section 89—on the day before the day a poll would have been conducted if a poll had been required; or

(c) if the person is appointed—on the day before the day the person is appointed.

'(3) Subsections (1) and (2) do not stop a person whose holding of a paid State appointment (the ***original appointment***) is ended under subsection (1) or (2)—

(a) from being appointed to hold the original appointment on a part time basis; or

(b) from being appointed to hold another paid State appointment on a part time basis.

'(4) A person appointed as mentioned in subsection (3) is entitled to retain all existing and accruing rights as if the holding of the original appointment, or other paid State appointment, on a part time basis were a continuation of the holding of the original appointment on a full time basis.

'226D Councillor not to be appointed to paid State appointment

'(1) A person who is the mayor of a class A local government must not be appointed to hold a paid State appointment on a full time basis.

'(2) A person who is a councillor, whether or not the mayor, of a class B local government must not be appointed to hold a paid State appointment on a full time basis.

'(3) An appointment made in contravention of this section is void.'.'.

Mr NICHOLLS: Amendment No. 4 inserts the provisions that were announced by the minister for local government following cabinet last Monday and announced last Tuesday in relation to people seeking elected office-holding, paid state appointment. In the terms of that legislation as it is presented, the coalition does not have any objections to it. It resolves conflict of interest issues and puts people on what the community would expect to be a level footing with members of parliament and other areas of elected representative office. I do not think that there is a problem with it. It is considerate of people who may have part-time positions and does not bring them into a conflict situation so they would be able to continue to serve in two capacities: their capacity as a paid employee of the state and their capacity as an elected representative, that is, a councillor.

I draw the attention of the House to proposed new section 226B, and in particular 226B(4), because it puts the lie to the claim that the Brisbane City Council was not included in this legislation because it was not part of the reform process for local government. The Local Government and Industrial Relations Amendment Bill—section 226B—applies to the Brisbane City Council. Here it is. Throughout all this time they have been telling us that it does not apply to the BCC and that it is not part of the reform process. They have said that the reason they have not put it in is that it was not part of the reform process, yet here it is, as bold as brass. Proposed section 226B(4) clearly refers to the Brisbane City Council. They could have put it in every day of the week. If they had wanted to include the Brisbane City Council and if they had carried their concerns the whole way through, they could have put it in the original legislation that was introduced on 13 February. They did not do that. Why did not they do it? Because they knew that they would be setting up a political bunfight—which they did not want—if they told all of their Labor mates that they were going to take power away from the Brisbane City Council.

Further, proposed 226C(1)(b) states 'if the person is elected under section 310(1)(a) or if, for the Brisbane City Council, the person is elected under the Electoral Act 1992, section 89'. There it is in black and white. The lie has been put to this government's claim that it did not include the Brisbane City Council because it was not part of the reform process. When they want to put it in they do and when they do not they concoct a story.

In relation to proposed section 226, the minister read a letter from a chief executive. I will read a letter from a chief executive. It states—

Council was approached by the state government yesterday to see if it was prepared to consent to become part of proposed state legislation changing the body corporate status of amalgamated local governments. The state had previously advised that the council was to be exempted from that legislation.

There we have it. On 5 February they went cap in hand to ask the Brisbane City Council to consent to becoming part of this new arrangement which they say they never intended to operate. This government has been caught out on the hop, telling fibs, misleading people and getting its story wrong. It should be condemned for it. That is another reason why this legislation is dodgy. It is another reason why the legislation has been brought here not for the good of employees but for the good of the AWU. The AWU is a state based organisation and if it was covered by the federal legislation the AWU would not be able to negotiate state based agreements. This legislation is a farce. This government has been shown up for the duplicitous way it manipulates information. It should be ashamed of itself.

Mr MICKEL: Boy, didn't he get excited! If he really believed any of that stuff, he would have moved an amendment to include the Brisbane City Council. Look at him! He is thinking, 'Hang on, I never thought of that!' Cut it out. The point is that if you really believed it, why did you not move an amendment—

Mr Nicholls interjected.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Clayfield! Minister, please direct your comments through the chair.

Mr MICKEL: Of course I will.

Mr Horan interjected.

Mr MICKEL: The poor old articled clerk from Toowoomba South! The Brisbane City Council was not part of the local government reform. It is not part of the amalgamation. It has its own separate act, the City of Brisbane Act. When we asked them whether they wanted to be a part of this, they said no. They want to be—

Opposition members interjected.

Mr MICKEL: Are members opposite happy for them to be covered by WorkChoices? We are not and that is why we are introducing the legislation. That is why we want local government employees protected. If the Liberals do not, they are being consistent. Earlier today they said, 'Don't worry about WorkChoices. We're really going to get rid of it.' I put the lie to that this afternoon when I heard an interview with a Liberal Party senator on 4BC. They cannot work out where they stand. They said, 'We didn't want to be part of it. We're happy to be covered by WorkChoices.' That is the proposition they are seriously advancing tonight. Then the member for Clayfield comes in and says, 'I have really found the way through it.'

This section deals with one thing and one thing only: public servants being councillors. That is all it deals with. There is no secret or hidden bullet. It is no wonder that they got the member out of the law practice. He is safer in here! Fancy relying on his advice. The point is that, if he really believed that the City of Brisbane should be a part of this, he should waltz in one day and move an amendment. We would be quite happy to protect all the local government employees in the Brisbane City Council from Campbell Newman, the mate of members opposite, and WorkChoices.

An opposition member interjected.

Mr MICKEL: We did not do it because it is not part of this. They have their own separate act. They are not part of the amalgamation. The rest of the side show is covered under the Local Government Act. Tonight we have been trying to explain a few things for members opposite. The member for Clayfield waltzed in on the member for Moggill saying, 'I've got the numbers.' This is the joker who could not count to five without paralysing the joint for a fortnight and he is wandering in here with a bit of legal advice and a secret bullet or something that he has found.

Mr Hinchliffe: He is still looking for Eric Idle.

Mr MICKEL: I know. He reminds me of that Monty Python skit, 'It's only a flesh wound.'

Mr DEPUTY SPEAKER: Order! The member for Stafford will return to his seat if he wishes to interject.

Mr MICKEL: The point is this: this section is about public servants being councillors; no more, no less. If the member opposite really believes that the City of Brisbane should be in here, he should go and tell his little mate down in City Hall who wants to keep all the employees covered by WorkChoices and the worse excesses of it. He should tell the lord mayor to change his mind, because I will cop the amendment from him any day of the week.

Mr NICHOLLS: That is what we need: a little bit of life in the evening. I reiterate the situation: since 2.30 this afternoon, with a break for dinner, we have been saying if the government's intention was to provide protection for employees who it felt were covered by WorkChoices legislation, why has it not included the Brisbane City Council? The BCC is the single largest employer. It employs 7,000 out of the 37,000 in the state. Why has it not done that? In the past when it has seen the main chance, the main game or the main buck, this government has never hesitated to go straight for the jugular. It has not done that this time. All along it has said that the BCC was not part of the reform process. The minister has danced about it and refused to answer the question. It is the same pirouette he did about providing crown law advice on liability. He is doing the same pirouette now. He is spinning around, going backwards and forwards, referring to the other councillors as 'the rest of the sideshow'. That is how he regards local government in Queensland. When referring to local government in Queensland, the words he used were 'the rest of the sideshow'. The department itself has approached the council, so there is no legal or statutory impediment to their asking if they want to be part of this process.

The government is then surprised when the council says, 'No, we don't want to be part of this process,' and when it is told, 'No, we're not interested in being part of this process, thanks very much.' We do not want to see the Brisbane City Council brought into this process. We do not want to see any council brought into this process. We voted against it because of the impact it has on local communities, local residents and local workforces and because of the liability, the dodgy legislation, the lack of advice, the lack of certainty and the lack of protection and indemnity for people.

The entire lack of integrity in this process is a danger to all local governments that are going to be affected by it, and they know it. If this government were confident of its position it would table its advice and it would offer the indemnity that is being sought—that which even in 1947 the South Australian government gave to the Chaff and Hay Acquisition Committee. It would do all of those things instead of dancing around the issue and not answering the issue. When it comes to numbers, let me say to the minister: you still ain't the Deputy Premier.

Mr MICKEL: And, my friend, you're still the Deputy Leader of the Liberal Party.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Minister, direct your comments through the chair please.

Mr MICKEL: I was baited. The point is that we have it in one tonight. Those opposite want Brisbane City Council employees—and we have heard it now—covered by WorkChoices. If you want to cut through the debate that has been thoroughly enjoyable since 2.30 pm, that is what it amounts to. We want to protect people from WorkChoices; they do not. We heard it tonight just then. They are happy for the Brisbane City Council to be excluded from our protection from WorkChoices; we are not.

The other thing this debate is about is simply this: there is a huge liability potentially because of the entitlements that may have to be paid out by smaller councils. That is a fact. What this does is create certainty for those councils. Those opposite also say that local government employees and the unions went quiet, yet the unions held rallies because the local government workforces enjoined their union to campaign against WorkChoices. One by one in those smaller country towns and shires and provincial cities the workforce was unanimous: they did not want to be in WorkChoices. This bill protects them, along the lines of what the workforce said. That is what this bill is about, no matter how they want to dress up the legal enforcements and enjoin us to provide legal advice.

Have those opposite produced one shred of legal advice to back up anything? No. It is just what they think is going to happen. Not one bit of advice have they tabled. They even wanted me to table for them the homework that they should have been doing—advice from the Local Government Association. They are normally rocketing in here with advice from the Local Government Association. They could not even provide that. They had to get me to table it for them, to do all the work for them.

In summing up, I want to thank all the public servants who have advised us and helped produce this legislation. I want to thank you for your dedication, for your professionalism and for your enduring patience in what has been quite a mystical magical mystery tour by the opposition tonight. Thank you very much for everything you have done—those in the gallery, in my office and the supporting staff here tonight—because what you have done is provide nothing more than what the workforce wanted: protection from the worst impacts of WorkChoices.

Mr HORAN: I also want to comment on the Brisbane City Council's advice that it was approached by the government to be a part of this legislation. All afternoon we have heard from various members of the government and the minister that the Brisbane City Council could not be part of this because it was not part of the change process. But then here we have had exposed that the minister and his department approached the council to be a part of this legislation.

So the truth about why the council is not included in this legislation is that the council said no. It did not want to be in it. So we have had mistruths all afternoon, during this entire debate, about the reasons the Brisbane City Council was not included in this. It is not true that it was excluded from this because the council was not part of the change process. The government asked the council to be part of it, so obviously it could have been a part of it but it said no. Obviously the council had concerns about the litigation and the liability and all of those other fundamental issues we have brought up all day long. I think we require here an apology for this place being misled.

Mr MICKEL: What we have just heard is just rubbish—absolute drivel. The point is that the council was approached. The council is not part of the reform process; it is covered by a separate act. When we asked the council whether it wanted to be part of WorkChoices, the fact is that all of the other councils agreed. This legislation had to be in place by March, as I said, prior to the election. Why muck around with it? If the Liberals want their workforce to endure WorkChoices then that is a decision for the Liberals.

As a matter of fact, I would have to argue the relevance of this. This is about public servants being councillors. It is about a full-time public servant being a councillor. They have danced around this one as well. Is there something they want to hide about this as well? Do they really support the idea of a full-time public servant being a full-time councillor and the potential conflicts that might ensue? That is what this section is about—nothing more, nothing less. So those opposite should work it out. Do they want full-time public servants to be full-time councillors?

Amendment agreed to.

Clauses 18 to 27, as read, agreed to.

Clause 28 (Insertion of new ch 19, pt 15)—

Mr MICKEL (9.07 pm): I move the following amendment—

5 Clause 28 (Insertion of new ch 19, pt 15)—

At page 35, line 32—

omit, insert—

'***new local government*** see section 159YD.

'1298 Constitution of new local government from changeover day to conclusion of 2008 quadrennial election

'(1) This section applies to a new local government.

'(2) Despite section 34, from 15 March 2008 until the end of the day that is the conclusion of the last 2008 quadrennial election held for any councillor for the new local government under chapter 3, part 1B, division 8, the new local government is constituted by the new local government's chief executive officer.

'(3) In this section—

new local government see section 159YD.'.'.

This amendment inserts a new section to provide that a new local government is constituted by the chief executive officer from 15 March 2008 until the conclusion of the last quadrennial election for that local government.

Mr NICHOLLS: The amendment to clause 28, inserting new section 1298, is pretty clear. It covers the period shortly upon us, in three weeks time, from 15 March until the declaration of each of those councillor positions. In terms of the legislation, it is consistent with the legislation all the way through. In those circumstances, we do not propose raising any issues about that. We do have some ongoing questions in relation to section 1294, which is in clause 28. Subsection 1294(2)—and this is really a technical question—reads—

The change in the local government's constitution effected by section 34 does not, in any way, affect ...

My question about that is that section 34 is, in fact, the changed clause. It is not the clause that effects a change, if I can put it that way. So section 34 is inserted; it is really part 10 of this bill which is the clause that actually effects the change by removing the old section 35, renumbering clauses and inserting a new section 34. It is more a technical legal question as to whether that is actually a correct reference. Section 34 merely states 'a local government is constituted by the councillors of the local government'. It actually does not effect a change; it is a statement of what it is. I would be happy if the minister could address whether that is technically the correct way of expressing that in the legislation on the way through.

The other issue in terms of the legislation follows the tabling by the minister of the LGAQ's letter and some of the comments there. It is interesting that when one goes beyond those two paragraphs that were mentioned by the minister in his response it refers to sections of the legislation and, in particular, what the explanatory note does and what section 240 of the Local Government Act does in terms of transferring to the council the liability for councillor action that, whilst damaging, has been both honest and non-negligent.

We have a situation where the LGAQ, in its correspondence to the minister, is raising concerns in relation to the attachment of liability to the council, whether the purported constitution of that organisation consisting of the councillors, however many that might be, still gives them the form of protection that they need and that is otherwise adequately provided under section 240 of the Local Government Act. It has also suggested additional clauses, obviously indicating its unhappiness with section 38A. It has suggested a 38B and that is in the tabled paper. It also refers to the sunset provisions which I referred to during the second reading debate.

This letter, in fact, confirms what the coalition has been saying about the LGAQ's unhappiness with the level of protection provided to councillors and the ability of those councillors to receive adequate protection for actions honestly taken by them in their role. Again it sets out the requests of the LGAQ: the body corporate status of the governments will be reinstated following amendments to the Commonwealth's Workplace Relations Act 1996; the state government will indemnify local governments for any loss or damage suffered from any unintended consequences; and the state will act immediately to rectify any shortcomings in LGIRA should the current rights, powers, privileges and obligations of councils in the day-to-day performance of their roles and responsibilities be impugned.

Rather than give the minister the clearance that he was talking about, that letter again reasserts the concerns of the LGAQ in relation to the impact of this legislation, both in liability terms and also in relation to those matters that have been addressed and have been unsatisfactorily dealt with.

Mr HORAN: What the shadow minister has said proves the tardiness and the reluctance of the minister to table that letter. He certainly has not tabled any legal advice during the course of this debate. There was only a small portion of that letter that he read out. The letter goes on to bring up all of the concerns that we have raised. It proves that our concerns have been genuine, that they are accurate

and that they are concerns about serious legal issues. Instead of the sarcastic remarks that the minister threw at us during the course of the debate, it would have been better if he had read that letter right through because it proves that we are onto an issue that is very important and about which there is great concern everywhere including within local government.

If there is one factor that proves the concern it is the fact that here in this letter the LGAQ states that it still wants it changed back to the original type of legislation once the government has dealt with WorkChoices because it is flimsy, it has holes all through it, it is vulnerable and it does not give any certainty. The LGAQ wants it changed back as soon as the government has completed the business of ensuring certainty regarding wages and so on because it is not good legislation. The LGAQ in particular and we on this side of the House would hate to see elected members of local government stuck with this uncertainty hanging over their heads for the rest of their term.

Mr MICKEL: What an attempt to rewrite history. Those opposite are too lazy and incompetent to go to the Local Government Association; they get hold of the act and start reading the letter and saying it really does not mean that. The LGAQ were satisfied with the protections. As for the drafting of the bill, the Solicitor-General was happy, I am advised, the Parliamentary Counsel was happy, and therefore I am happy.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 32, as read, agreed to.

Insertion of new clause—

Mr MICKEL (9.16 pm): I move the following amendment—

6 After clause 32—

At page 37, after line 4—

insert—

'Division 1A Amendment of Community Services Act 2007

'32A Act amended in div 1A

'This division amends the *Community Services Act 2007*.

'32B Amendment of s 7 (Meaning of *service provider*)

'(1) Section 7(1), after 'State,'—

insert—

'or a local government'.

'(2) Section 7, note—

omit.'.

It inserts a minor consequential amendment to a definition in the Community Services Act 2007.

Amendment agreed to.

Clauses 33 to 44, as read, agreed to.

Third Reading

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (9.17 pm): I move—

That the bill, as amended, be now read a third time.

Division: Question put—That the bill, as amended, be now read a third time.

AYES, 54—Attwood, Barry, Bombolas, Boyle, Choi, Croft, Cunningham, Darling, English, Fenlon, Finn, Foley, Fraser, Grace, Gray, Hayward, Hinchliffe, Hoolihan, Jarratt, Keech, Kiernan, Lavarch, Lawlor, McNamara, Mickel, Miller, Mulherin, Nelson-Carr, O'Brien, Palaszczuk, Pearce, Pitt, Pratt, Purcell, Reeves, Roberts, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wellington, Wettenhall, Wilson. Tellers: Male, Jones

NOES, 24—Copeland, Cripps, Dempsey, Elmes, Flegg, Gibson, Hobbs, Hopper, Horan, Johnson, Knuth, Langbroek, Lee Long, McArdle, Malone, Menkens, Messenger, Nicholls, Seeney, Simpson, Stevens, Stuckey. Tellers: Rickuss, Dickson

Resolved in the affirmative.

Bill, as amended, read a third time.

Long Title

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (9.24 pm): I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.

Motion agreed to.

FINANCIAL ADMINISTRATION AND AUDIT AND ANOTHER ACT AMENDMENT BILL

Second Reading

Resumed from 9 October 2007 (see p. 3255), on motion of Mr Fraser—

That the bill be now read a second time.

Dr FLEGG (Moggill—Lib) (9.25 pm): The Financial Administration and Audit and Another Act Amendment Bill deals with three main areas. In particular, the bill deals with the harmonisation of accounting standards. The bill amends the Financial Administration and Audit Act 1997 and the Government Owned Corporations Act 1993 to improve accounting standards by incorporating new accounting standard AASB 1049 introduced in September 2006 which requires the state to prepare an additional set of audited financial statements for the annual report on state finances.

With time being of the essence in compiling the report on state finances, the completion of audited financial statements for Queensland public sector agencies is shortened from three months to two months. They will now have one month less to have their audited statements prepared for inclusion in the report on state finances. The bill amends the act providing government owned corporations with a no-later-than-two-month time frame for the completion and audit of financial statements rather than the preparing and giving of annual financial statements within two weeks.

The bill provides for the closure of six accounts: the Coal Industry Fund, the Coal Industry Welfare Fund, the Water Operations Fund, the Artesian Bores and Water Supply Areas Working Account, the Franchise Fees Compensation Fund and the Government Schemes Agency Fund. I do not think we have a particular problem with any of those.

The other provisions essentially increase the power and authority of Treasury and the Treasurer. There are two areas in particular that I want to make comment on. One is in relation to giving the Treasurer the authority to invest the net credit balance of the creditors' consolidated fund bank account with or on deposit with QIC or QTC for investment in any fund of either of the corporations without approval of the Governor in Council. That approval will still be required if such investments are counterpartied other than by the QTC or QIC. Essentially, rather than the Treasurer taking to the Governor in Council the investment of these funds in the Treasurer's consolidated fund bank account they will be able to be invested in various QIC or QTC investment funds without approval.

There is one area of the bill that does give me some concern and I would ask the Treasurer to give me his thoughts on it. The bill gives the Treasurer authority to approve a department entering into derivative transactions and it removes the prerequisite for a department to be listed in the Financial Administration and Audit Regulation 1995 for the reason that time is of the essence when implementing hedging strategies outside the pre-existing scope of the regulation. My understanding of that is that the Treasurer would be able to authorise departments to participate in the trading of derivative transactions without that going to the Governor in Council.

Derivative transactions are the most highly leveraged form of financial transaction. We have seen the handling or rather mishandling of derivative transactions bring even some of the world's largest organisations to their knees. All of us would remember the failure of Barings Bank as a result of derivative transactions. More recently, we have seen that with one of the large French banks. The reason that derivative transactions potentially present such a problem is the enormous amount of leverage.

Mr DEPUTY SPEAKER (Mr English): Order! I share honourable members' excitement at this bill. Can I ask members to quell their excitement somewhat as I am having difficulty hearing the member for Moggill.

Dr FLEGG: I am sure the Treasurer and I are pleased to see them excited about a financial bill.

Mr DEPUTY SPEAKER: I call the member for Moggill.

Dr FLEGG: My one reservation with the bill is that derivative products are enormously leveraged. There are quite a number of instances around the world where somebody has made a mistake or worse with derivatives, and based on the amount of leverage in them this potentially leads to enormous exposure. With regard to government departments, the two derivatives that would most be used—and I might ask the Treasurer to give us a bit more detail about what sorts of derivatives he expects the departments to use—are currency hedging and interest rate hedging. There are of course an unlimited number of derivative transactions that can be entered into these days and they are really the most hazardous area of financial manoeuvring. So there is the potential for a derivative transaction to turn sour.

Today and over recent weeks we have heard admissions by the Treasurer and the Premier that Queensland has been adversely impacted by the subprime crisis in the US. The reality is that this state is not immune from what happens in financial markets. We can be a victim of anything that potentially happens in the financial markets. Just as we have been a victim of the US subprime crisis, we can equally be a victim of mistakes or malice or poor supervision or a range of other failings in the area of derivatives. These areas have enormous financial leverage and therefore potentially enormous liability and enormous exposure. My question is, firstly, whether removing the requirement that this go to the Governor in Council is a reduction in transparency—whether the requirement for it to go to the Governor in Council will peel away a level of transparency—and, secondly, whether the removal of the requirement for it to go to the Governor in Council would also remove a level of scrutiny from these potentially highly leveraged transactions.

I have not seen any concerns raised in relation to the closure of the six accounts, but some of them are within areas that are quite sensitive. Although we have not raised any objection with it, it may be that the Treasurer would like to make some comment about the implications within some of these industries. Essentially, the changes in accounting standards that are dealt with by this bill are matters that we would naturally support. The closure of the accounts appears to be in order, but there may be some scope there for the minister to give us a bit more information. The one area of particular concern is in relation to what would appear to be a reduction in supervision and a reduction in process in relation to departments dealing in derivative transactions.

Mr LANGBROEK (Surfers Paradise—Lib) (9.35 pm): It is also my pleasure to rise to speak to the Financial Administration and Audit and Another Act Amendment Bill 2007, and I note the comments of the shadow Treasurer. I am pleased to offer my support for certain aspects of the bill, especially those pertaining to changes in public accounting standards.

I note the shadow Treasurer's queries about the increased authority provided by the bill to the Treasurer in relation to derivative transactions. I want to speak mainly about the changes in public accounting standards. We do endorse the amendments to the time frame for the completion of Queensland public sector agencies' audited financial statements by four weeks, the incorporation of the new accounting standards introduced by the Australian Accounting Standards Board—AASB—in September 2006 and the formal closure of the six closed accounts which the shadow Treasurer referred to.

I wanted to speak a little bit about the accounting standards, because I am proud to be on the Public Accounts Committee with you, Mr Deputy Speaker English, in your other role as the member for Redlands; the member for Gregory; the member for Kallangur as chair of the committee; the member for Southport; the member for Brisbane Central; and the member for Gympie. With regard to what the Australian Accounting Standards Board was tasked to do in 2002 when the Financial Reporting Council provided the AASB with a strategic direction to pursue some harmonisation reporting of generally accepted accounting principles and government finance statistics—GAAP and GFS respectively—the aim was to achieve a single set of government reports which are auditable, comparable between jurisdictions and of which the outcome statements are directly comparable with the relevant budget statements.

The reason this was being done was that this new standard coming in would reduce the potential for confusion of users of government financial reports. Being on the Public Accounts Committee, I think that is something we are doing in conjunction with the Auditor-General, who has made it very clear that he would like to have a sense of financial reports being more easily understood not only by those of us who have to interpret them but also by members of the public. We have done it in a number of cases in the Public Accounts Committee. Just recently we held a public hearing at which we looked into whether information provided in the Ministerial Portfolio Statements in the budget is information that people can actually use to properly look at the budget. Now we are also having a discussion paper in the Public Accounts Committee about NGOs—non-government organisations—and whether the data collection that they have to provide for government is appropriate for them to be able to get the money that they need to run their organisations.

Clearly, the Auditor-General and the Public Accounts Committee are saying that we would like people to be more aware of financial issues—both public accounting standards and general accounting issues—as evidenced by an increased awareness of financial issues throughout the world. Financial markets are the subject of much discussion, so people are much more aware of these things than they used to be. The AASB and this bill are reflecting the sense of bringing things together so people can more easily interpret reports. The Auditor-General has most recently put out a survey of parliamentarians asking whether parliamentarians feel that the reports and services that he provides offer valuable information, whether they help improve public sector administration, whether the reports that he provides are adequate and whether he communicates issues clearly. The survey asks for parliamentarians' level of satisfaction with his reports and services.

Once again, the Auditor-General and the Public Accounts Committee are saying, 'We really think it is important for people to understand these financial issues.' That really goes to the heart of what this bill is doing. As I said before, in the past governments have been reluctant to adopt GAAP/GFS

harmonisation reporting, because the accounting bases for whole-of-government and general government sectors were different. By aligning the accounting bases, this impediment to adopting GAAP/GFS harmonisation principles has been removed.

I note that the AASB in a media release of 10 October 2007 stated that it will now proceed to consider whether GAAP/GFS harmonisation should be pursued for entities within the general government sector of the Commonwealth government and the state and territory governments. As a result, the AASB may need to consider the extent to which its GAAP/GFS harmonisation decisions should apply to government departments, statutory authorities and other entities within the general government sector.

I want to refer a little to what the AASB actually is. For those members who are not aware of it, the Australian Accounting Standards Board is the Commonwealth statutory authority that is responsible for developing, issuing and maintaining accounting standards. The board's functions and powers are set out in the Australian Securities and Investments Commission Act 2001. As well the AASB consults with members of its broadly constituted consultative group to increase the involvement of various interested groups in the standards-setting process. Members of the consultative group include representatives of parties interested in and affected by statements of accounting concepts and accounting standards. The role of the members of this group includes providing advice to the AASB on major technical issues, the AASB's work program, project priorities and due process.

As I am the ACPAC—or Australasian Council of Public Accounts Committees—state and territory representative on the consultative group, which includes, as I mentioned, 35 different groups of people, and I will not name them all—

An honourable member: Go on.

Mr LANGBROEK: No, I will not, but this committee is a broadly constituted consultative group. That group comes up with recommendations for the AASB in terms of its work program. The policy statement of the AASB outlines its objective as the following—

The objective of the AASB Consultative Group is to provide a forum where the AASB can consult with representatives of organisations representing different groups of constituents to obtain input on major technical issues, its work program, project priorities and due process and to receive feedback on its activities and those of the Urgent Issues Group ... a committee of the AASB.

As I said, the consultative group is broadly constituted, comprising approximately 35 members representative of those preparing, using and regulating financial reports. Clearly, people preparing, using and regulating financial reports should want those reports to be as legible as possible so that people can interpret the findings in financial reports. Many members of parliament would acknowledge that before coming into this place they had very little experience with those types of things.

I think it is great to see that the Australian Accounting Standards Board is looking towards harmonisation of the standards. Obviously, the government has taken this matter into account and made sure that we are going to have more harmonisation. Hopefully, that will lead to a clearer understanding of the processes of government and financial matters.

Mr WENDT (Ipswich West—ALP) (9.43 pm): I rise to speak in support of the bill. In my contribution I particularly want to raise the matter of derivative transactions. It is my belief that the amendments proposed by the Treasurer represent a prudent and practical change to the state's financial management framework. In a fast and evolving financial environment, we have to have a framework that allows the state to maximise its ability to manage financial risk. That includes having an ability to lock in favourable interest rate hedges in a timely manner.

At present, a department may enter into a derivative transaction only if it is both prescribed by regulation and has obtained the prior approval of the Treasurer. However, the requirement to draft legislation and to seek the approval of the Governor in Council leaves open the risk that a department may be prevented from implementing hedge strategies in a timely manner. As a result, under this bill changes will be made to approval requirements which will remove the requirement to first make a regulation before seeking the Treasurer's approval.

This delegation of executive power acknowledges the central role of the Treasurer in managing the state's financial risk. It is significant to note that this change will not mean a reduction in accountability or safeguards or lead to increased risk. That is because under the act departments will still need to adhere to the risk management framework that is set out in the Queensland government's derivative transactions policy guidelines. That includes undertaking a thorough identification and quantification of exposures, the evaluation risk management strategies and the development of a derivatives policy to govern hedging transactions.

It is accepted that departments do not generally possess the necessary technical expertise to undertake derivative transactions. Accordingly, all transactions in derivatives will continue to be undertaken through the Queensland Treasury Corporation or the Queensland Investment Corporation. As such, monitoring of these transactions will remain unchanged. That means that, in accordance with section 43D of the Financial Administration and Audit Act and the Financial Management Standard

1997, departments must provide monthly reports to their responsible minister and the Treasurer to enable hedging activities to be monitored. In addition, the departments will also continue to report on derivative transactions through their annual financial statements.

It is my belief that this amendment to the state's financial management framework will enhance the state's ability to source and manage its funding arrangements in the most efficient and low-cost manner possible. As such, I commend the bill to the House.

Debate, on motion of Mr Wendt, adjourned.

ADJOURNMENT

Hon. AP FRASER (Mount Coot-tha—ALP) (Acting Leader of the House) (9.46 pm): I move—

That the House do now adjourn.

Thuringowa City Council

Mr CRIPPS (Hinchinbrook—NPA) (9.46 pm): At midnight on 15 March 2008 the Thuringowa City Council will cease to exist following the decision by the state government to impose a forced amalgamation on the Thuringowa City Council and the Townsville City Council to form the new Townsville City Council. Tonight I would like to place on the record a brief history of the local government authorities that have served the Thuringowa area.

Under the Divisional Board Acts 1879, the Thuringowa Divisional Board was formed. It covered an area along the coast from the mouth of the Burdekin River in the south to Crystal Creek in the north. At the time the municipality of Townsville was located within this area and consisted of a small area around the foot of Castle Hill. Over the last 129 years numerous boundary changes have seen Thuringowa change considerably, with the current boundaries roughly covering the western third of the divisional board's original area.

The first chairman of the Thuringowa Divisional Board was William Alpin, who served as chairman from 1880 to 1881. Under the 1902 Local Authorities Act, divisional boards were renamed shire councils. Consequently, in 1903 the Thuringowa Divisional Board became the Thuringowa Shire Council. The first chairman of the Thuringowa Shire Council was Joseph Hodel, who served as chairman between 1903 and 1909, between 1912 and 1913, and 1915. Hodel had previously served as the chairman of the Thuringowa Divisional Board between 1890 and 1897.

In 1918, the Queensland government transferred most of the urban area of Thuringowa to Townsville. The population of Thuringowa dropped to 2,500 following the loss of a number of suburbs to the Townsville local government area. That made Thuringowa Shire Council a predominantly rural shire covering the localities of Giru, Woodstock, Mutarnee, Paluma and Rollingstone. The Thuringowa Shire Council was notable for its nomination of one of the first women to serve on a local government authority in Queensland when Isabella Fitzpatrick, a businesswoman and community leader from Rollingstone, was nominated to fill a vacancy on the council in 1924.

The Thuringowa district played an important role during World War II, with many military personnel staging camps, air support depots and supply depots being established in the area to support the war effort. In the period since the 1960s, the Thuringowa area has expanded significantly, in terms of both residential and industrial growth. In 1979, the Thuringowa Shire Council opened new council chambers on Thuringowa Drive and in 1986 the Thuringowa local government area was declared a city.

Over the last two decades, Thuringowa city has continued to grow strongly. Within the council area there is a diverse mix of agricultural enterprises, heavy and light industry as well as substantial residential development in the northern beaches area of the city, a large area of which is in the Hinchinbrook electorate, which I am proud to represent in this place. Les Tyrell has served as mayor of the Thuringowa City Council since 1991, and he will be the last mayor of Thuringowa when the council ceases to exist at midnight on 15 March 2008.

Cerebral Palsy League

Mr HINCHLIFFE (Stafford—ALP) (9.49 pm): Last year I reported to the House on Craigslea State School's face-painting world record, which was a central part of the Cerebral Palsy League's Colour Your Day appeal. On that occasion a Polish record of 406 was smashed by the 500 faces that Craigslea students and supporters painted. Joining both my sons and seven of their fellow students who have cerebral palsy as one of the painted faces was a thrill.

The league is well known for the outstanding services it provides to children and adults with cerebral palsy and their families. As a parent and former student, I am keenly aware of the Craigslea State School community's support over many years for the Cerebral Palsy League and students with a disability.

But with 2008 the 60th anniversary of the Cerebral Palsy League, everyone wanted to go bigger than a world record. So what is bigger than a council bus? With the involvement of Brisbane's Deputy Mayor, Councillor David Hinchliffe, and my local colleague, Councillor Faith Hopkins, the Cerebral Palsy League obtained access to a Brisbane City Council bus to paint as a way of promoting its 2008 Colour Your Day appeal.

On Friday, 15 February, over 600 Craigslea students, including a number who are clients of the Cerebral Palsy League, participated in transforming a BCC bus into a colourful mobile promotion of the Colour Your Day appeal. I was pleased to join in the painting myself, once again with my son Tom and some of his friends from year 3. Joining us with brush in hand were the deputy mayor, whose famed artistic talents were on display, and other strong supporters of the event, including Greg Rowell, the Labor candidate for lord mayor, and his candidate in the McDowall ward, Peter Eickenloff.

I am pleased to report that the whole day, combined with a free dress day for students on the following Tuesday, produced not only a very colourful bus but also $602 in funds raised by the students for the Cerebral Palsy League. The painting was overseen by artist Kendall, by the Craigslea State School staff, led by Acting Principal Lyn Green, and by the league's staff. Further, the event relied on many parent supporters of both Craigslea and the Cerebral Palsy League. Supporters such as Gavin Forde and Ron Porter ensured the success of the day.

I wish to conclude by noting that the event was also attended by the Brisbane City Council's transport chairperson, Councillor Victoria Newton. Councillor Newton was petitioned by me and Principal Lyn Green to ensure the bus decorated by the students would be visible in the local community. Councillor Newton has delivered, and I am pleased to advise the House that the Craigslea State School painted bus is operating the Translink 353 service, which passes the school on Hamilton Road 36 times each weekday—great, enduring evidence on the northside of the Craigslea State School community's commitment to the Cerebral Palsy League in its 60th year of service to people and families living with disabilities.

Lights on the Hill Trucking Memorial

Mr RICKUSS (Lockyer—NPA) (9.52 pm): I rise to speak about the Lights on the Hill trucking memorial that was held again last weekend. Many members would have seen the truck convoy which was highlighted on most news stations over the weekend. I would like to congratulate Kathy White and her committee on the wonderful job they do on the Lights on the Hill memorial. It is a great recognition of the truck and bus drivers who, unfortunately, have lost their lives over the last half a century.

Tim and Shannon Milton from McAleese Transport at Rocklea participated in this. They were driving a lovely big Mack Titan—550 horsepower. They had my good friend the member for Clayfield, Mr Tim Nicholls, and his son, Jeremy—JJ Nicholls—as passengers when they came up to the Lights on the Hill memorial that was held at the Gatton showgrounds.

It was a great event. There were over 400 heavy rigs. What a great sight to see so many rigs en route to the showgrounds as a mark of respect for the great transport operators of Australia, who actually keep Australia moving with their freight. Without trucks Australia stops. Tim and his wife, Shannon, are some of the people who really do carry Australia. McAleese Transport at Rocklea is a heavy- and wide-load transporter that carries a lot of heavy industry vehicles all over the state, particularly to some of our great mining industries, an industry that requires these heavy loads. Tim was saying he carries loads of up to 100 tonnes up the Toowoomba Range and out to the western districts. It is people like Tim and his partner, Shannon, who really do carry the country.

I urge this government to do more about some of the truck stops. While we were up there we had a look at a truck stop on the Gatton bypass. I showed the honourable member for Clayfield the truck stop. It is probably quite a good truck stop, except for the fact that it is only one way and has no showers. It probably should be half as big again and should have shower facilities so the drivers can freshen up. Let us face it: it is all about managing driver fatigue, which we hear the minister talking so much about. We need more of these truck stops all over the state. This sort of thing will reduce the demand on the Lights on the Hill memorial wall. We really want these drivers to be able to have good rest stops so they can take a good break when they are transporting these heavy loads all over Australia. They really do carry Australia. It is important that this government meets its promises to build more of these truck stops that are required. The drivers are good operators and really do carry our country.

BRAKE Driver Awareness Program

Mrs SCOTT (Woodridge—ALP) (9.55 pm): The carnage of young people on our roads is horrendous. While new legislation for young drivers will no doubt save lives, I believe there is always more we can do. The recipient of the school category in the Queensland Road Safety Awards, held late in 2007 here at Parliament House, was the BRAKE driver awareness program devised by police Sergeant Rob Duncan, stationed at the Jimboomba station. BRAKE, which stands for 'Behaviour, Risk, Attitude, Knowledge and Education', is a community based program delivered in schools to young

people and their parents or carers at the time students are obtaining their driver's licence. The program does not entail teaching students how to drive a vehicle but instead focuses on driver attitude and increasing awareness of risks on the road and how to stay alive. Young people learn why crashes occur and also gain a greater awareness of road safety, thus reducing their risk of committing traffic offences and reducing their exposure to police enforcement.

I have always believed that parents and carers play an important role in establishing good driving habits in their children. After all, our children are passengers for 16 years in a car driven by a parent and driving habits can already be formed by the time a young person gets behind the wheel of a car. Thus, the BRAKE program is also directed towards parents and mentors to increase their awareness, skills and knowledge of new traffic laws and driving risks. This program will potentially increase safety on our roads for the entire family and open up dialogue between parents and young drivers on risk assessment and possible consequences.

Funded by corporate sponsorship, the program is gaining attention from schools all over Australia as well as overseas countries such as the UK, US, New Zealand and countries in Europe. The BRAKE program is already making a difference to young drivers in the Beaudesert shire. There are plans in 2008 to extend the program to four schools in the Gold Coast, four in Ipswich and two in Logan, and Griffith University is now evaluating the project.

I believe that road safety is about much more than driving skills. Our attitude to others on the road and an understanding of a young driver's inexperience and consequences are vital. I believe the BRAKE program will impact many of our young drivers. I commend Sergeant Rob Duncan for the passion he has shown to keep our young drivers safe on our roads.

Norman, Mr L

Mr FOLEY (Maryborough—Ind) (9.58 pm): I rise to pay tribute tonight to a gentleman called Larry Norman. The most amazing music artist that most people have never heard of died on Sunday, aged 60. When I was about 18 I remember hearing Larry Norman's 1976 record *Only Visiting This Planet* and I was hooked. Larry's creative genius and his disdain for the religious establishment made him an instant folk hero for me, and he became a major influence on my life as a fledging singer-songwriter. In a very sweet twist of fate, within four years I would get to tour Australia a number of times as support act for Larry and enjoy the privilege of forming a strong friendship with him, have him stay in my home when we did a concert together in Bundaberg and have him personally critique my last album, *Slow Street Fast Corner*.

Larry Norman will be mentioned in obituaries as the father of Christian rock music, but that is a misunderstanding of who he was. Larry himself once told me that he was too Christian for the rock and rollers and too rock and roll for the Christians, and that best described his amazing life and career.

He first cracked the pop charts in the late sixties with his band People and their smash hit *I Love You*, but became disgruntled when Capitol Records would not let him call his album *We Need A Whole Lot More Jesus and A Lot Less Rock & Roll* and put a painting of his Master on the cover. That led Norman to quit the band and go solo, recording for MGM Records, but it too tired of his religious imagery. Norman was forced to form his own label, Solid Rock Records.

The Christian world was freaked out by the blond hippie and had little use for his music. Despite his association with the term Christian rock, he was always an outsider and always strived to make his records for everybody. While Christian rock is sometimes assailed as formulaic and derivative, Norman was anything but. His admirers included Paul McCartney, Bob Dylan, the Pixies, Van Morrison, John Mellencamp and Sammy Davis Junior among others. Martin Luther, no slouch of a songwriter himself, once said, 'Why should the devil have all the good tunes', and Norman took that line and wrote a memorable song, *Why Should the Devil Have All The Good Music.*

Just before last Sunday Norman gave the world one last gift as he lay dying, dictating these words to a friend before his heart gave out—

> I feel like a prize in a box of cracker jacks with God's hand reaching down to pick me up. I have been under medical care for months. My wounds are getting bigger. I have trouble breathing. I am ready to fly home ... I won't be here much longer. I can't do anything about it. My heart is too weak. I want to say goodbye to everyone ... My plan is to be buried in a simple pine box with some flowers inside ... I want to say I love you. I'd like to push back the darkness with my bravest effort ... Goodbye, farewell, we'll meet again. Somewhere beyond the sky. I pray that you will stay with God. Goodbye, my friends, goodbye.

Vale, to my friend Larry Norman.

John Paul College Aquatic Centre

Ms STONE (Springwood—ALP) (10.01 pm): In the early 1980s the local Anglican, Uniting and Roman Catholic parishes came together to build a school on an 11-hectare site at Daisy Hill. On Australia Day 1982 John Paul College opened with just 144 students in years 8 and 9. The first primary school students arrived in 1987. 1996 saw the opening of the child-care centre, and in 1997 John Paul International College opened. Today John Paul College boasts a 30-hectare site with a school enrolment of over 2,500. In fact, I believe it is the largest school in Queensland.

2003 marked the commencement of the master planning program for the redevelopment of the campus. The eight-year, $17 million redevelopment and refurbishment program has already seen the addition of a kindergarten, a retail centre and two new car parks for the convenience of parents. The $7 million Gorman Centre facility for senior school students was completed in mid-2005 and was opened by the former Premier, Peter Beattie.

The latest addition to the school is the $4 million aquatic centre, opened at the school's foundation day assembly on Monday, 18 February. I am pleased to say I had the pleasure of attending that very important occasion. Like all important John Paul College events, this ceremony was also video-streamed over the internet for those families unable to attend. This also provides an opportunity for students with family overseas to have their family experience the important occasions in their school life.

The state-of-the-art aquatic centre, featuring a 25-metre, 10-lane heated pool, gymnasium, covered grandstands and a 50-seat function room was opened by college parent and Chairman of the Aquatic Centre Capital Campaign Committee, Mr Mark Blyton; John Paul College Board chairman, Mr Dan Gorman; and college headmaster, Mr Steve Paul. I would like to point out that no government money—that is, no money from any level of government—was given towards this project. Financing the pool saw the college community rally and, thanks to corporate and family donations, students' eager fundraising efforts and numerous school events throughout 2006, the college community raised $1.4million towards construction costs.

I want to acknowledge the hard work of the year 12 students of 2006 who raised enough money to purchase a lane. This means a lane will be named after the class of 2006 for the life of the pool. It will be a reminder for future students of the hard work done by the students to contribute to their school community.

Mr Reeves: They have some good teachers at that school.

Ms STONE: They do have good teachers. The new aquatic centre will be utilised extensively for swimming lessons, first-aid training and other water sports, as well as being the base for a new John Paul College swimming club. A 50-seat function room will overlook the pool and is being adorned with a host of celebrity gifts from all codes of sport and from the arts.

There is no doubt that the college has come a long way since its opening in 1982. Located in Logan City, John Paul College is internationally recognised for its innovative approaches to technology, teaching and learning. I am sure it will not be long before we hear of world swimming champions from John Paul College.

Currumbin Wildlife Sanctuary

Mrs STUCKEY (Currumbin—Lib) (10.04 pm): Recently some documents came into my possession concerning the Currumbin Wildlife Sanctuary. I have spoken many times with regard to this beloved cultural resource and I speak again to state residents' concerns for its future.

Inflammatory documents from 2002 and 2003 concern the sanctuary and the National Trust of Queensland, confirming and substantially backing earlier rumours that the trust is, in a sense, selling off gifted land in order to nullify its own debt. Further, these documents vindicate all rumours that the NTQ is attempting to sell off Coolamon and the sanctuary's management rights or similar for an undisclosed sum. I table the Smart National Trust documents of April 2003 and Caloundra branch conference record of proceedings of May 2002.

Tabled paper: Copy of document, dated 15 April 2003, titled 'National Trust of Queensland—Submission to the Queensland Government—Smart State—Smart National Trust'.

Tabled paper: Copy of the Record of Proceedings, National Trust, Branch Conference, Caloundra—24, 25 and 26 May 2002.

On behalf of the people of Currumbin and greater Queensland, I earnestly beseech the state government to step in and save our sanctuary from such a fate. We ask the minister to intervene and stop the pillaging of our priceless sanctuary by the NTQ. Surely the government could purchase the Coolamon property and jointly run it as a national park alongside Nicoll Scrub, and gain conservation credentials.

In a memorandum to the trust's councillors from the Governance Working Party in March 2002, it is recommended that—

Substantial changes be made to the National Trust Act and the Currumbin Act including .... greater powers for Council (eg the disposal of property, fees and membership categories, rules), no by-laws and the repeal of the Currumbin Act to allow the sanctuary to be operated as a property of the Trust.

The record of proceedings from the 2002 Caloundra branch conference record Pat Comben, Chairman of the Australian Council of National Trusts and former minister in the Goss Labor government. When questioned by a delegate on the future direction of Coolamon, Pat 'told the meeting that the trust was looking to sell the property'. Fancy that: the National Trust was wanting to trade off the gifted assets of the sanctuary back in 2002. No wonder residents and sanctuary supporters are suspicious of the trust's intentions. They had every reason to be.

I remind honourable members that the Currumbin Wildlife Sanctuary was in fact gifted to the people of Queensland—that is, all of us—by Alex Griffiths in 1976. The NTQ is bleeding the resources of the sanctuary in order to plough the funds to meet its own ever-increasing operating deficit, which is placed at approximately $331,583 according to its 2006-07 annual report.

Further, in the president's report to the Caloundra branch conference Pat Comben intimated that a 'perpetual fund' may be created to float the trust through dividends from the Currumbin properties, mentioning the value of Coolamon. Discussing how to achieve enhanced funding for the trust, Comben again mentioned Currumbin as a source of capital. It would appear Comben utilised his contact with former Labor comrade the honourable member for Murrumba to pursue these ideals and approached him 'to change the act or to repeal it for the trust to become a company'.

New President John Jackson states in the trust's newsletter to members that the highest priority shall be the financial security of the trust. Well that may be, but not if it means sacrificing the Currumbin Wildlife Sanctuary. The sanctuary is not the trust's family silver to sell off. It belongs to the people of Queensland. The government has starved the National Trust of Queensland for years and it now expects it to prop itself up by trying to trade off the heart and lungs of Currumbin.

Inner-City Living

Ms GRACE (Brisbane Central—ALP) (10.07 pm): The buzz of inner-city living is infectious, with many people loving the lifestyle of living in the CBD within my electorate. More and more people are choosing inner-city apartment living, with many apartment towers being built to accommodate this growing demand for convenient city dwelling.

Part of the dynamism of the Brisbane CBD is the new buildings that are springing up and the renovation of our older ones. This building and construction renewal means residents are sometimes living not just next to or above shops, restaurants and theatres but also next to some noisy demolition or construction sites. Although many would prefer that construction takes place during business hours when it is likely to cause the least disruption to their lifestyle, the reality is that due to safety requirements and traffic management demands some construction work is only reasonably able to occur after hours. Therefore, it is imperative that a balance between these competing interests is found in order to secure buildings for future residents and tenants as soon as possible but at the same time having consideration for the current residents having to endure our booming inner-city construction sites.

It is, therefore, pleasing for me to advise this House that managing construction issues such as noise and dust in the CBD is becoming much clearer as the Environmental Protection Agency and the Brisbane City Council have agreed to take a cooperative approach to dealing with issues arising from inner-city construction and demolition activities. Both the BCC and the EPA have agreed to deal with complaints and enforce regulations setting out clear roles and responsibilities, an outcome that Councillor Hinchliffe and I have been driving with the assistance of the minister and his office and department.

The BCC is responsible for setting conditions in development approvals, including the most appropriate hours for carrying out construction and demolition activities. The council will then be responsible for investigating breaches of its own development conditions. Where there are no relevant BCC approval conditions for construction and demolition work, the EPA is responsible for investigating complaints about nuisance noise and dust. The EPA can issue on-the-spot fines where a complaint is investigated and nuisance laws have been breached.

The EPA and the council are working together to develop a set of model conditions for future development approvals and will also coordinate their enforcement efforts which will avoid any jurisdictional confusion or blame game occurring. For the next three months the EPA and the BCC are reallocating resources to after-hours officers available to better investigate complaints, clearly set out each organisation's roles and responsibilities and will work together to ensure that the construction sector knows about its environmental responsibilities in the CBD.

Arrangements have been put in place with business and after-hours phone numbers for the EPA and the BCC for complainants to contact should an issue arise. Once arrangements are finalised I believe a workable outcome will be achieved for all stakeholders living and working in our beautiful inner Brisbane city, especially when it comes to balancing the interests due to booming construction activities currently taking place.

Time expired.

Holborn, Mr RN

Mr NICHOLLS (Clayfield—Lib) (10.10 pm): I would like to take this opportunity to pay tribute to a lifelong member of the Liberal Party, Mr Robert Neville Holborn. On 21 January this year Bob passed away, leaving behind over 70 years of legacy. Starting from humble beginnings as the youngest child of Frederick and Emma Holborn, the owners of a blacksmith shop in South Brisbane, Bob lived his life and his beliefs as a Liberal.

Bob spent most of his life in Townsville, the home town of his beloved wife, Peg. There they raised their two daughters, Melinda and Jennifer. Determined to give his wife and family a better education and upbringing than what he had known, Bob worked hard and was proud to send both his daughters to St Anne's Anglican girls' school in Townsville—the same school his wife had attended in the 1940s.

In Townsville, Bob was well known for his work around the community and devotion to a variety of volunteer activities. Bob was on the Parish Council for St James Cathedral in Townsville and at the local Church of the Ascension, coordinating fundraising to assist the Anglican ministry in the area. He was also the president of the Parents and Friends Committee of St Anne's for many years and helped the Sisters of the Sacred Advent in raising money and assisted in the general maintenance around the school.

His fundraising with the school also included a trip in a small charter plane during the seventies which took Bob across central and western Queensland and as far as PNG to help spearhead a building fund during his time as chair of the Anglican Diocese 'Challenge of Change' initiative. Bob was also a devoted member of the Castle Hill Lions Club for 20 years. During his time with the club Bob visited the Mater Hospital in Brisbane with his youngest daughter, Jennifer, who was a type 1 diabetic. Bob and Peg had recently purchased one of Australia's first blood glucose testing machines which even the staff at the Mater Hospital had not seen. Upon learning this from the stream of visiting nurses intent on finding out more about the machine, Bob immediately went to the Lions Club and persuaded them to raise funds to purchase and donate a number of these machines to the Mater to help other diabetes sufferers.

One of Bob's other great devotions was to the craft of masonry. In 1973 he rose to the rank of Master of Millican Lodge. During this time, he helped in the planning and development of the Masonic home for the aged in Kirwan, as well as raising over $1.2 million to help build a refuge home adjacent to the Townsville Hospital for the patients and families of leukaemia sufferers.

Over the years Bob became well known in Townsville, and through his friendship with Philip Leong, known as 'the Chinese Grocer', he became secretary of the Chinese Club in Townsville, the president of the Myrniong Society and in 1994 president of the North Queensland Club. During these years, Bob was proud to have sat among the likes of Billy Sneddon, Billy McMahon, Malcolm Fraser, Norm Scott-Young, John Gorton, his close friend 'Duke' Bonnett and more recently John Howard.

Despite these numerous achievements, Bob's greatest pride was in the accomplishments of his beloved wife, Peg, and daughters, Melinda and Jennifer. Tragically Jennifer passed away as a result of her diabetes in 2001. She left behind Bob and Peg's cherished granddaughter, Ashleigh Louise. A man of great integrity and honesty with a strong ethical code, Bob Holborn was a loyal and steadfast friend to many in his community. In describing his own life Bob would reflect by saying, 'My cup runn'eth over.' I can think of no better way to remember a man whose life was well lived, and I am pleased to be able to stand here today and share his story. Bob, rest in peace now—a life well lived.

Bowelscan Month

Mrs SULLIVAN (Pumicestone—ALP) (10.13 pm): I wish to draw to the attention of the House that March is Bowelscan Month in Queensland this year. For the past two years—2008 will be the third—the Bribie Island Rotary Club has assisted in running the program and it has proven to be quite successful. This year the Caboolture and Morayfield Rotary clubs will also be participating in the program.

My good friend Barry 'Bazza' Clark is only one of a dedicated group of Rotarians who have put considerable effort into promoting this event and raising public awareness. He has done such a great job that in 2007 more kits were sold on Bribie Island than any other area on the Redcliffe Peninsula or on the Sunshine Coast!

For just $6 people can purchase a kit for two weeks between 3 March and the 17th from a participating chemist in the Pumicestone electorate, return to the comfort and privacy of their homes and complete the test. They can revisit the pharmacy which acts as a collection point and return the kit for testing free of charge by Sullivan Nicolaides Pathology.

Local pharmacies and their staff generously participate in this important public health initiative and give advice on the kits. I would like to thank Woorim Surfside Pharmacy; Pharmacist Advice, Bongaree; Amcal Bongaree Pharmacy; Chemworld Chemist, Bellara; Banksia Beach Pharmacy; Ningi

Pharmacy; and the AusCare Pharmacy at Pebble Beach Estate at Sandstone Point on behalf of Rotary and a grateful community for actively promoting and selling—at no profit—the kits during Bowelscan Month.

Colorectal or bowel cancer kills some 5,000 men and women each year. This figure is far more than lung, breast or prostate cancer. It is the most common of cancers affecting Australians and about one in 20 men and women will develop various forms of bowel cancer as they get older. The incidence of the disease increases with age, particularly after the age of 40.

About two million Rotary bowel scan kits have been used in all states of Australia, some since 1983, with a 'positive' detection rate averaging one per cent. That means about 20,000 Australian lives have been saved by early detection and appropriate treatment for various forms of bowel cancer. In fact, early detection can result in treatment and cure in a staggering 90 per cent of cases. Because of this high cure rate, I urge everyone over the age of 40 to invest $6 in their own health and purchase a kit. Who knows—it may save your life and if detected early may also reduce the financial impact on the health system by early detection.

Congratulations to everyone involved in this worthwhile and cost-effective project, and I trust that it will be successful again this year. I wish to place on record my thanks to Councillor John McNaught for his attendance at the 2008 launch.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 10.16 pm.

ATTENDANCE

Attwood, Barry, Bligh, Bombolas, Boyle, Choi, Copeland, Cripps, Croft, Cunningham, Darling, Dempsey, Dickson, Elmes, English, Fenlon, Finn, Flegg, Foley, Fraser, Gibson, Grace, Gray, Hayward, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Jones, Keech, Kiernan, Knuth, Langbroek, Lavarch, Lawlor, Lee Long, Lee, Lingard, Lucas, McArdle, McNamara, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, O'Brien, Palaszczuk, Pearce, Pitt, Pratt, Purcell, Reeves, Reilly, Reynolds, Rickuss, Roberts, Robertson, Schwarten, Scott, Seeney, Shine, Simpson, Smith, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wellington, Wells, Wendt, Wettenhall, Wilson