Speech by

Hon. R. E. BORBIDGE

MEMBER FOR SURFERS PARADISE

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LAND AND RESOURCES TRIBUNAL AMENDMENT BILL

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (3.14 p.m.): The Land and Resources Tribunal Amendment Bill is a graphic illustration of both Labor's get-square mentality and the administrative incompetence of this Government. It is a get-square exercise because it is aimed fairly and squarely at further marginalising the Mining Warden, whose jurisdiction has been progressively whittled away by this Government by means of a series of legislative measures since 1998. It is an illustration of administrative incompetence, because the Premier made it clear in his introductory speech that it is a direct result of Courier-Mail reports which highlighted that the Land and Resources Tribunal, which was prematurely established and staffed by this Government, had no work to do. It has been, since its inception, a court with no cases. It has been a body costing the taxpayers millions of dollars but is yet to hand down one decision. It is a bit like the famous episode of Yes, Minister about the hospital without any patients. Premier Beattie managed to create the court with no cases.

I want to make it clear at the outset that the Opposition is not critical of the members of the tribunal. Each of them has particular skills and is a respected person in the legal and wider community. However, so too is the Mining Warden. He is a judicial officer. He was and, as far as I am aware, remains a stipendiary magistrate. He has served this State for a number of decades and has, throughout his professional life, attempted to do justice in the manner befitting the high offices he has held. Yet this Bill will strip him of his jurisdiction as the mining referee.

This Bill, taken in conjunction with the Coal Mining Safety and Health Act and the cognate Mining and Quarrying Safety and Health Act, will have the cumulative effect of depriving the Mining Warden of any future ongoing role. All of his jurisdiction will be eventually taken away or expire. He will be left with nothing to do within a very short period. Let there be no mistake about it: this Government is by stages and stealth removing the entire jurisdiction of a judicial officer. It is abolishing a court and leaving the judicial officer of that court high and dry.

Australia has rarely witnessed such a state of affairs in its modern history, and this is possibly the worst case since the notorious treatment handed out to Mr Justice Staples by the Hawke Government in 1988. I think that this instance is even more serious in that Justice Staples had not been doing any work for years and was a controversial figure and the Hawke Government was up front and honest about what it was doing and why it was doing it. In this case, the Mining Warden is working full time and has no cloud over his head. In fact, the irony here is that, because the Mining Warden has so much work to do, the Government is taking away his jurisdiction so that members of the Land and Resources Tribunal will be gainfully employed until cases develop under their native title jurisdiction.

I will now deal with each of the concerns that the Opposition has with this flawed piece of legislation, which not only is a prime example of policy on the run but also sets a serious and dangerous precedent by undermining judicial tenure. Firstly, I refer to knee-jerk reactions to media reports. When considering this Bill, the first matter that needs to be dealt with is the reason for its introduction. The Explanatory Notes circulated by the Premier are less than helpful. Under the heading "Policy Objectives of the Bill", the following statement appears—

> "In order to expand the role of the Deputy Presidents, the Bill extends the role of the Presiding Members of the Tribunal to include dealing with non-native title mining matters

(including matters otherwise to be dealt with by the warden becoming the mining referee), and that the two existing mining wardens not automatically become members of the Tribunal."

That may well be the legal effect of these amendments, but they do not explain why the position of the mining referee is being abolished and why a specialist jurisdiction is being transferred to the deputy presidents of the tribunal.

The Premier was much more forthcoming in his introductory speech. His comments are worth quoting in full. He said—

"In spite of the work that the staff and members of the tribunal have undertaken, concern has been raised in some quarters about the limited work the Land and Resources Tribunal Act currently makes available to the presiding members of the tribunal. In a response to those concerns, the Bill extends the role of the deputy presidents of the tribunal to include hearing of non-native title matters, including matters it was proposed would be dealt with by the yet to be appointed mining referees."

I congratulate the Premier on his honesty in this instance. He at least admitted that the real reason for this Bill was not some well thought out policy response to the problems of the tribunal or following input from interested stakeholders but a knee-jerk reaction to adverse media reports. In fact, on 21 June on page 1 of the Courier-Mail there appeared a story written by Chris Griffith with the headline "All dressed up with nothing to arbitrate". It was a damning story about how this Government had established a bureaucratic white elephant at enormous cost to the taxpayer which had absolutely nothing to do. The story started off as follows—

"It occupies one and a half floors at Brisbane's MLC Centre, employs 12 staff and has a president paid the wages of a Supreme Court judge and two deputies paid like District Court judges. But despite being built in September last year, Queensland's Land and Resources Tribunal is yet to deliver a single native title decision."

The story is all downhill from there for the Government. Griffith then writes—

"The courtrooms are fitted out in soft, earthy reds, lightly coloured timber and sandstone bench features. Free of the clutter of books and documents except for carefully placed new bibles awaiting their first witnesses the courts exude a new-car smell rather than a musty legal one. The registry's wooden desk panels are beautifully carved and Aboriginal art work adorns the walls."

I digress for a moment. Yes, Minister gave us Jim Hacker with the hospital with no patients. Peter Beattie has given us the court with no cases. The Courier-Mail article continues—

"Mr Kopenol"—

I interpose here that Greg Kopenol is the president of the tribunal—

"said only one matter, a dispute involving the Dawson River Jiman native title application, which fell outside the concerns of the Senate was being heard in the court."

Perhaps I am being a bit unfair. There is one patient in Peter Beattie's hospital.

As soon as the media turned the spotlight on the inactivity of the tribunal, the Premier and the Government responded by king-hitting the Mining Warden. It is quite extraordinary. This is not a well thought out piece of legislation that has been produced in a careful and responsible fashion but a rushed job by an incompetent Government stung by negative media reports. Just two days short of a month after this article appeared in the Courier-Mail this Bill was introduced into this Chamber. I think any sensible person can judge just how embarrassed the Government must have been to have moved so quickly and in the manner that it has.

The second issue the Opposition has concerns with is the manifest lack of consultation that went into the preparation of this Bill. The Explanatory Notes highlight that the only persons and bodies consulted were Government departments and the Land and Resources Tribunal. I guess the Land and Resources Tribunal was looking for work! It is abundantly clear from those Explanatory Notes that the Queensland Mining Council was not even contacted. No outside person or body was involved in this matter.

It is clear that the Chief Stipendiary Magistrate was not spoken to—nor, for that matter, was any other member of the judiciary. No representatives of land-holders associations were approached, nor were any indigenous representatives. I mention indigenous representatives because, surely, extra non-native title work being imposed on the deputy presidents would have the potential to slow down the native title jurisdiction of this tribunal when it does kick in either late this year or early next year. I mention land-holders because the mining referees will be making decisions on compensation payable to land-holders.

However, the most damning omission of all was the Mining Warden himself. It is now clear that Frank Windridge, the Mining Warden, was not even given the courtesy of being told that he was being

removed from the position of mining referee. He was deliberately left in the dark. Frank Windridge wrote to the Premier on 20 July—the day after this Bill was introduced into the Parliament—and set out his concerns. I place on the public record the fact that Frank Windridge did not speak to the Opposition about his letter. As the Premier knows, a carbon copy went to a number of persons including the Attorney-General, the Minister for Mines and Energy, the president of the Stipendiary Magistrates Association, the president of the Land Court and the president of the Land and Resources Tribunal. I make that point because the Premier subsequently attempted to dismiss the very serious nature of this correspondence and implied that the Mining Warden had leaked it. The ABC quoted the Premier as saying—

> "It's no surprise to me when I received it that it would end up in the public domain. I mean, sometimes letters are written for that purpose and I understand that this was a comment that he wanted to make."

As befitting a person in his position, the Mining Warden did not enter into the political fray. So I would not like any cheap shots aimed at Frank Windridge, because he has done the right thing and not entered into a public and political slanging match with the Government. At all times, from what I have seen, he has acted responsibly and properly, and I would like to see that fact noted during this debate. In his letter to the Premier, he made this point—

> "As the Mining Warden, and as the person who was ostensibly intended to carry out the duties (in whole or part) of the mining referee, I find it surprising and very disappointing that I was not consulted at any stage about these changes.
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> The Explanatory Notes to the Bill disclose the limited range of persons whose views were sought, and quite accurately reflect the fact that I was not one of these.
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> In preparing specialist legislation on a matter which goes to the heart of my current responsibilities, and which, in effect, will deprive me of the jurisdiction which I am exercising, I would have thought it polite, and prudent, to have at least sought some input from the Mining Warden.
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> Unfortunately, this has not occurred, and I think any person would find it unacceptable to learn that their future has been sealed by a Bill introduced into the Parliament, after the event. This is especially disconcerting when it has to be considered that I am performing quasi judicial duties, and presumably, a position like that of the Mining Warden should be treated by the Government of the day as an independent office performing an important function for the people of this State, especially those engaged in the mining industry."

There can be no greater charge levelled against a Government when it introduces legislation which tinkers with the judicial fabric of the State than that it has not consulted those members of the judiciary who are exercising the jurisdiction being tinkered with and has not properly taken their opinions into account. That is what this Premier has done. Yet what we have with this Bill is a measure cooked up within a few Government departments, with undue haste and without any of the major stakeholders even being spoken to.

The way the Mining Warden was deliberately kept in the dark defies logic. The Explanatory Notes disclose that the Land and Resources Tribunal was consulted, and I would have thought the Mining Warden, as the mining referee, was an integral part of that tribunal. Yet he was not even briefed on what was going on. I ask the Premier why the Mining Warden was treated in this fashion and why the Government did not speak to him before presenting this Bill to the Parliament.

Last year the Premier and other members of the Government talked long and loud about justice in the workplace and about unfair dismissals yet, as Frank Windridge points out, it is manifestly unfair for the Mining Warden to find out after the event that the Government has introduced into the Parliament a Bill which in effect renders him surplus to requirements. Accordingly, the Opposition believes that not only has there been inadequate consultation during the preparation of this Bill but also that the Mining Warden has not been accorded any form of natural justice. Clearly, his right to present his side has been denied by a Government which is intent on bulldozing this Bill through, irrespective of the consequences or the injustices it will cause.

The third area of concern relates to the capacity of Land and Resources Tribunal members to perform Mining Warden duties. I mentioned at the outset that the Opposition, while having serious concerns about the Land and Resources Tribunal, is not criticising the members of that body. Nevertheless, a very serious issue that the Premier must deal with is the capacity and experience of those members, no matter how well regarded, to immediately perform the task which the mining referee was to exercise.

Recently a paper prepared by Deputy President Kingham of the tribunal was brought to my attention. It is titled, perhaps aptly, "The New Dinosaur on the Block", and outlines just what the tribunal

will be doing. She deals at some length with the native title, environmental and mining tenure aspects of the tribunal's jurisdiction. Under the heading of "Mining Tenure", she makes these comments—

> "Functions previously undertaken by the Warden's Court under the Mineral Resources Act will be conferred on the LRT. These include jurisdiction to:
>
> Hear applications for mining tenements and to recommend to the Minister whether a grant should be made; and
>
> Determine compensation payable to land-holders."

She later deals with the various presiding and non-presiding members of the tribunal, and says—

> "The other non-presiding members are appointed non-presiding members and referee non-presiding members. Referee non-presiding members are appointed at a level equivalent to magistrates. They must have extensive prescribed qualifications and experience and are appointed for not more than five years. Only the referee members are appointed on a full-time basis. There are three categories of referee non-presiding members—mining, mediation and indigenous issues. The mining and mediation referees must have experience in those particular fields."

There are two points that need to be made. The first is that the Land and Resources Tribunal Act is very specific about the type of qualifications and experience that a person appointed as a mining referee must have. I draw the attention of the House to sections 17 and 18, which set out the matters that must be taken into account. A person who was to perform the duties of Mining Warden would have to have a detailed knowledge of mining and petroleum issues. Such a person would preferably be one with knowledge of valuation as well as land use issues. This is a very specialist jurisdiction, and a person performing the important tasks of the mining referee should have extensive experience in that specialist jurisdiction.

The second point is that, while referees are appointed for no more than five years, this Parliament made a specific exception to that rule. Section 85 deals solely with the position of the Mining Warden, Frank Windridge. Subsection 2 appointed him automatically as the mining referee. Subsection 3 provided that the five-year term limit did not apply to the Mining Warden. Subsection 5 provided that the Judges (Salaries and Allowances) Act 1967 continues to apply to Frank Windridge. In other words, this Parliament accepted that the Mining Warden should continue to exercise his jurisdiction under the Mineral Resources Act and his tenure would be in no way limited by performing that task.

What causes me quite a lot of concern are these comments in the letter from the Mining Warden to the Premier—

> "I would not presume to say whether the Deputy Presidents have any expertise in non native title mining work that was to be carried out by the Mining Referee, but in my years as the Mining Warden, I cannot recall either of them appearing before me in the Mining Warden's Court."

The current Deputy Presidents are Paul Smith and Fleur Kingham. Paul Smith was, prior to his appointment, a longstanding Queensland public servant who was elevated to the Senior Executive Service under my administration. He is an experienced native title lawyer and very well respected and regarded in that field. I am, however, not aware of Mr Smith having any expertise in the area that the mining referee would be operating in. I am not aware of Ms Kingham's particular legal background, except that I note that the Mining Warden points out that she never appeared before him in that jurisdiction.

Any Government has to be particularly careful, when establishing quasi-judicial bodies which are empowered to adjudicate disputes and either make orders or high-level recommendations, that the persons reposed with the authority to preside are appropriately qualified and experienced. Frank Windridge has been Mining Warden since 1982. For the last 18 years of his professional life he has travelled the length and breadth of this State performing, among other things, the duties that the proposed mining referees will be carrying out.

I suggest that the Premier, if he and his advisers have not already done so, carefully examine sections 269 and 281 of the Mineral Resources Act. Anyone reading Part 7 of the Act would be struck by the onerous duty placed on the Mining Warden when making recommendations or orders pertaining to mining tenures. It is not a simple jurisdiction, and it requires a person with a detailed knowledge of quite complicated matters to do properly the job required by the legislation.

When the Opposition gave its support to the establishment of the Land and Resources Tribunal last year, we did so with the expectation that the Mining Warden would be performing the functions of the mining referee. The legislation was in fact predicated on this assumption, and section 85, which I have just referred to, is a prime example of that. Now we have a situation where persons who have

been appointed as deputy presidents to perform other functions will be given the job of the Mining Warden even though, on the face of it, they have absolutely no experience in this area. This is an unsatisfactory state of affairs and again highlights just why the mining industry regards this Government as incapable of providing the leadership to ensure that the crisis it is facing can be proactively dealt with.

I would like to know exactly what experience Mr Smith and Ms Kingham have in this jurisdiction and why the Premier has been so quick to assume that the specialist jurisdiction of the Mining Warden can be given to these people. The Opposition wants an assurance that we are not going to have a situation where we have people with professional learners plates getting job experience as they go along. The Opposition, the mining industry and land-holders generally expect that persons who are given the authority to determine compensation payments to land-holders and who will be making statutory recommendations to the Minister for Mines and Energy about whether an application for a mining tenement should be granted will be fully able to exercise their duties competently from day one.

So I ask the Premier to outline to this Parliament just what experience the members of the tribunal have in land valuation matters, in making recommendations on compensation or in dealings with the granting of mining tenements and also whether in fact any of them have, even once or twice, ever appeared in the Mining Warden's Court in their professional careers. While we are not critical of the tribunal members, the Opposition believes that it is essential that any person who has the power to determine potentially enormous compensation payments and to have a major say in facilitating or stopping major mining developments should have the requisite background to do that job properly and from the outset. I look forward to the Premier's response, for I sincerely hope that he is able to allay some legitimate concerns that many in the community have expressed about this matter.

The other area of concern relates to the view of the Opposition that there is no need for these changes. Before proceeding to further substantive objections, it also needs to be seriously questioned now whether this Bill is needed. The stated rationale for the Bill was, in effect, that the members of the Land and Resources Tribunal had nothing to do. It is now clear that the Government established the tribunal prematurely. It has been, to date, an expensive white elephant. During the 1999-2000 financial year alone, this court with no cases—Mr Beattie's court with no cases—cost the taxpayers $3,182,000. In an answer to a question on notice I lodged, the Premier also disclosed that the estimated costs of the tribunal this year will be even more—in fact, some $4,748,000. The tribunal has a staff of 12. It rents 1,133 square metres of office floor space at a cost of $212.50 per square metre per annum. As honourable members would appreciate, the costs for this tribunal will just keep on increasing, especially as I assume the Government is locked into renting arrangements for some time.

Yet despite the fact that this expensive experiment has been operational for more than six months, it is yet to hand down even one decision. It is no wonder that this incompetent Government is so embarrassed. It is no wonder that this Government is trying to create work programs for members who are paid the equivalent of District Court judges yet whose only function to date is to travel around the State engaging in so-called community awareness programs—in other words, telling people what you would like to do if you only had anyone appearing before you to allow you to do it.

Mr Beattie: But as of this week, they will.

Mr BORBIDGE: But not up until now.

Of course, it must be very embarrassing and frustrating for the members of the tribunal to be in this position. It is not their fault that this Government appointed them prematurely. Unfortunately, they have been caught up in another prize administrative foul-up of this Government. As the honourable member for Clayfield mentioned earlier, this Government is all spin and no substance. I suspect that by the time the tab hits the $5m mark, we might actually see some activity—at least we all hope so. Five million dollars to get to the starter's barrier! That has been the price of the premature establishment of this particular body by this incompetent Premier.

Quite obviously it was foolish to provide in the Act—and I made this point during the second-reading debate last year—that the president and deputy president be given Supreme Court Justice and District Court Judge status with a tenure that will last until they turn 70 years of age. When the Premier spoke to the Bill last year, he said that the legislation would be reviewed after two years.

That is well and good, but in the meantime he and his Attorney-General have ensured that the taxpayers will be forking out for up to the next 27 or so years salaries for each of these people of in excess of $160,000 per annum. No matter what the review of the tribunal comes up with, the State is left with three people who will have lifetime tenure.

The Opposition has always been of the view that the status and tenure proposed for the members was disproportionate to the task that they were given. We were also of the view that the Act should not have been commenced until such time as it was clear that the tribunal would be gainfully employed. If the Premier had accepted that advice, he would have saved $5m. Instead, we have seen this Government prematurely establish the tribunal, prematurely appoint members, prematurely appoint

staff, prematurely enter into leasing arrangements and throughout engage in an incompetent exercise of throwing good money after bad.

However premature and incompetent the Government's track record on this tribunal has been to date, at least we now know what the fate of the alternative State provisions are. At least we now know that this tribunal will have some native title jurisdiction and that this jurisdiction will presumably commence in the relatively short term. This being the case and having regard to the many practical, logistical and ethical concerns that are brought into sharp focus by this Bill, I ask the Premier why he is still proceeding with it. If in fact the tribunal will have a native title jurisdiction of substance, then the rationale for proceeding with this Bill is rendered null and void. If this Government is confident that the Land and Resources Tribunal will have any role in native title and whatever the Premier salvages from the wreckage of this alternative provisions legislation, then there is no need for this Bill.

One can only draw the conclusion if this Bill proceeds that either or perhaps both of the following reasons is or are motivating this legislation. The first, as I said, is a get-square mentality that obviously exists somewhere in this Government against the Mining Warden. I could speculate about that matter, but I think that anyone who knows anything about this area will know exactly which senior Government Minister I am referring to.

The second reason is that the Government is not convinced, despite all of the Premier's rhetoric, that there will be much of a native title jurisdiction for this tribunal. These are the only reasons I can think of for why this Government is persisting with a Bill when its very rationale as explained by the Premier to the House is now no longer present. Once again, I look forward to the Premier explaining why he is persisting with the Bill.

My fifth concern is the undermining of judicial tenure. There is no doubt that this Bill sets a dangerous precedent. To my knowledge, there is no example in the last century of this State's history where a person holding a judicial office has had his or her office abolished without clear transition arrangements to an equivalent judicial position in another comparable court or tribunal.

There are two preliminary points that need to be made. The first is the judicial status of the Mining Warden personally and the second is the quasi-judicial nature of the functions performed by the Mining Warden.

As to the first, Frank Windridge was first appointed as a stipendiary magistrate in 1982. By virtue of that appointment, he also became a coroner and was simultaneously appointed a Mining Warden. Over the next eight years or so, he held these positions in a number of locations including Longreach, Mount Isa and Brisbane. Ultimately, he was the sole Mining Warden for all mining districts in Queensland.

As I understand it, though he has not been performing the duties of a stipendiary magistrate for some time, he still remains a magistrate. The Attorney-General would know all too well that the office of magistrate is a judicial office and the appointment of a person as a magistrate cannot be administratively revoked for purely administrative purposes. However, even if Mr Windridge is not a magistrate, certainly the Office of the Mining Warden is a judicial one. This was itself recognised by the Electoral and Administrative Review Commission in its Report on Review of Appeals from Administrative Decisions.

The second point is one that does not need any explanation. The Mining Warden traditionally and still performs judicial duties. He still carries out inquiries into fatal and serious non-fatal mining accidents. He makes compensation orders and he makes recommendations on the granting of mining tenements. In 1993 EARC said—

> "The Commission believes that the Warden's Court was right to move to using Magistrates Courts for hearings rather than Departmental premises ... It should be funded through the appropriation for the courts program to the Department of Justice and Attorney-General (like the Magistrates Court) rather than out of the Budget of the Department of Minerals and Energy."

The very fact that the Mining Warden presides over the Warden's Court highlights the fact that the warden is a judicial officer presiding over a court and performing judicial duties. Yet despite this, what we are now seeing is the final stages in the demolition of the judicial position of the Mining Warden as an institution and Frank Windridge as a judicial officer.

Last year when we debated the establishment of the Land and Resources Tribunal, I pointed out that there was some dissatisfaction with the Warden's Court in the pastoral industry following a decision of the Court of Appeal in 1997. I said that remedial action was needed. We assumed on this side of the House that any problems, real or perceived, were being appropriately dealt with by ensuring that the warden's jurisdiction would be exercised within the umbrella of the tribunal. The Opposition assumed from the clear wording of the Bill that the current Mining Warden and his staff would be able

to continue to carry out their duties, albeit in a much better and more independent and judicial environment.

The Opposition supported, in the spirit of the EARC report, the transfer of the Mining Warden's jurisdiction to the Justice Department and out of the Department of Mines and Energy. It was not long after that that our concerns were raised when the Minister for Mines and Energy introduced the mining safety legislation, which comprehensively deprived the Mining Warden of any role in investigating mining accidents. Now what we see is the final instalment in what appears to be a deliberate strategy to leave Frank Windridge with no judicial duties.

The Premier graciously conceded in his second-reading speech that the warden's current jurisdiction for conducting inquiries into serious accidents under the Coal Mining Act and the Mines Regulation Act 1964 would remain. What the Premier did not tell this House is just how long that jurisdiction will remain for. As the Premier and the member for Mount Isa know full well, both of those statutes have been repealed by this Parliament. They were repealed by the controversial mining safety legislation of last year that I referred to earlier. The jurisdiction that the Mining Warden has left is a jurisdiction that will go at any time. As soon as the new mining safety legislation becomes operative, he will have no further work to do.

Clause 11 of this Bill amends section 85 to make it clear that even though the Mining Warden is deprived of his mining referee jurisdiction, he can continue to exercise his inquisitorial powers under the so-called designated Acts. What the Bill and the Premier have not made clear is that the Mining Warden will soon be left with a title but no work.

This Bill does no credit to the Attorney-General, who is supposed to be the first law officer of the State and who should be at the forefront in protecting judicial tenure and the independence of the judiciary. I say that it does him no credit because in the aftermath of the Staples affair a joint select committee of the Commonwealth Parliament issued a report on tenure of appointees to Commonwealth tribunals.

I add here that the committee was dealing only with tribunals and, quite plainly, the Mining Warden holds a much more sensitive and important position. But even so, the following principles that were recommended go to the heart of the matter: firstly, abolition of a tribunal should not be used to remove the holder of a quasi-judicial office unless the removal procedures applying to that office are followed; secondly, legislation to change the structure and jurisdiction of quasi-judicial tribunals should, if possible, refrain from abolishing the tribunal; and, thirdly, where the tribunal is abolished or restructured all existing members of the tribunal should be reappointed to its replacement. As to the last point, the committee stated further—

> "All members of tribunals should be reappointed to a restructured tribunal or a tribunal replacing an existing tribunal, unless demonstrably good reasons are given for their non-appointment."

My friend and colleague the member for Callide will deal with this matter at greater length, but, taken as the minimum standard that should be followed, it is clear that something terribly wrong is occurring. Here we have a judicial officer who is being professionally sidelined by a series of legislative enactments. Here we have the legislation being pushed through in the dying stages of a Friday sitting to evade public scrutiny. At no stage, to the Opposition's knowledge, has this Government come out and said what is going to happen to the Mining Warden. The basic standards set down by the joint parliamentary committee for tribunals are not being followed. Frank Windridge is a person, and Frank Windridge as a judicial officer has a right to know what duties he will be performing, what judicial tasks he will be exercising.

This is not just an issue for Frank Windridge; this is an issue for this Parliament and for the community. The principle transcends the person, because it sets a precedent for a future Government in its dealings with persons holding judicial and quasi-judicial offices. Should we in this House sit back mute while this Government removes this judicial officer from the post of Mining Warden and leaves his future totally unclear? I ask the Premier to outline in his reply just what is intended to happen to Frank Windridge once his remaining functions under the repealed mining safety legislation come to an end. Has the Attorney-General discussed with the Chief Stipendiary Magistrate his reassignment to the Magistrates Court? Have there been any other discussions with other judicial bodies?

The reason why these questions are posed and why some answers must be given to this Parliament is not that the Opposition is looking at this through the lens of Frank Windridge as a person but we are looking at it through the lens of Frank Windridge as a judicial officer and exactly how this Government treats judicial officers—how this Premier treats judicial officers, how this Attorney-General treats judicial officers, how this Minister for Mines and Energy treats judicial officers, how this Labor Government treats judicial officers.

I remember full well in the last decade or so how the Labor Party has dined out electorally on its claim that it understands and upholds the separation of powers, how only the Labor Party understands

the underpinnings of our Westminster system and is squeaky clean. Obviously, with the truth now coming out about the rorting of the electoral roll by Labor Party operatives, those claims are now being exposed as being as shallow and as false as could be. Yet even cynics would be surprised that this Government could be as brazen as to throw publicly and wantonly the separation of powers doctrine in the legislative rubbish bin by effectively removing a judicial officer in the manner proposed by this legislation.

I ask the Premier to think very carefully about this matter, because it goes to the very heart of his claim that his Government would set new and better standards and uphold the dignity of this Parliament. If, in reality, we are debating a Bill to destroy the professional life of a judicial officer, then it is an issue that will cast a shadow over this Government and the Labor Party for years to come.

We oppose this Bill, because it was motivated by an endeavour to create work for tribunal members who were doing nothing and not because of any desire to improve the quality of work of the tribunal. We oppose this Bill because it removes an experienced judicial officer, who has been doing this work for 18 years, with newly appointed members who have either no experience in this jurisdiction or next to none. We oppose this Bill because the major stakeholders have not been consulted. We oppose this Bill because the Mining Warden was not consulted. We oppose this Bill because the rationale for its introduction was removed with the partial allowance of the alternative State provisions determination by the Senate, which will mean that the tribunal will be able to exercise a native title jurisdiction. We oppose this Bill because it strikes at the heart of judicial tenure. We oppose this Bill because it undermines the separation of powers and the independence of the judiciary. Finally, we oppose this Bill because it is unfair, un-Australian, conceived in haste, ill considered and petty.

The Mining Warden's concluding comments to the Premier in his letter of 20 July were as follows —

> "I only ask, and expect, some common courtesies and basic concepts of fairness. Nothing more or less. I want to know what is going to happen to me, and why I have been subjected to this treatment. I have given all of my adult life to serving the people of Queensland.
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> I regard the service that I have been entrusted with as both professionally rewarding and personally fulfilling. It has been a very deep honour to have worked in the service of this State.
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> At this late stage of my life, to have received the sort of treatment now accorded to me by your Government is something that I find hard to express in this letter, except to say that I am profoundly shocked and disappointed.
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> I trust that you consider this letter because I hope that any other person performing a judicial office for this State is never again treated in such a shabby fashion."

Likewise, the Opposition hopes that we never again see a repetition of this type of action and looks forward to the Premier dealing explicitly with the issues raised when he makes his reply.
